

Minutes from January 2000-April of 2002 were not entered

May 14, 2002

Present: J Diegoli, K Limmer, C Leszicka, B Briggs, B Pitman

Gary Punsky appeared before the PB for preliminary layout discussion of Map 8, Lot 3, for a two-lot subdivision. We discussed the location of and the necessary road construction specifications. Punsky asked about the Town's requirements for a turn-around, and asked about the possibility of a waiver of the topographical requirements. He also stated that he is in discussion with the Upper Saco Valley Land Trust re: a conservation easement on his property. He asked if the Planning Board would consider a waiver on the road width and if the road area when completed would have to be removed from his current use allotment.

After a brief discussion, the Planning Board replied that a waiver on the road width would not be likely and that roadways are not part of current use areas. JD distributed copies of a letter that the Planning Board received from Elise Earl expressing concern about the visual impact of a road beside her house. Ted Barrett also voiced concern about the impact of a 22 foot road. He asked what kind of a turn-around would be acceptable, and hammerheads and cul-de-sacs were discussed. After further discussion, the Planning Board agreed that it would probably waive the topo requirements except for spot elevations on the roadway.

The heirs of Walt Charles came in for a consultation with the Planning Board on a voluntary merger and a subdivision of Map 8, Lots 2 and 2A, which involves the current Charles' homestead and adjacent lots in back of and beside the main house. A Public Hearing was scheduled for June 11th.

A discussion took place on the reappointment of the Chairman and Treasurer and resignation and replacement of the Secretary. Pitman moved that the current Chairman and Treasurer would remain in place until the Planning Board had additional members who could vote. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Jim Diegoli, Acting Secretary

June 11, 2002

Present: J Diegoli, C Leszicka, K Limmer, S Eastman, B Briggs

The heirs of Walt Charles came in for the Public Hearing. The plat was displayed for public examination. There was no public input. Payment was received for \$95.00, and the Planning Board unanimously approved the application as described in the May minutes.

The Planning Board held its election of officers. JD was voted Chair, and Carl Leszicka was voted Treasurer. A search for additional Planning Board members will continue.

Ron Briggs appeared before the Planning Board on Gary Punsky's behalf for a sub-division application for Map 8, Lot 3. Punsky stated that the land will have a conservation easement on the wooded lot, and he proposed a cul-de-sac with 600 feet of frontage to satisfy the Town's road frontage requirements. R. Briggs answered questions about the application, and the Public Hearing was scheduled for July 9.

Ted Barrett appeared before the Planning Board for a confirmation of an old AMC boundary line adjustment. Diegoli looked the adjustment up in the records' book, and noted that it had been approved. Diegoli advised Barrett to have the AMC re-submit a plat, and the Planning Board would sign it for them so that the AMC would have a record of this transaction.

Diegoli appeared before the Planning Board to discuss a plot of land that he owns on Little Chatham & Beach roads. He asked the Selectmen's member if he could find out the status of the far end of Beach Road (whether it's a Class 5 or Class 6 road).
Adjourned 9:00 p.m.

Respectfully submitted,

Jim Diegoli, Acting Secretary

July 9, 2002

Present: J Diegoli, S Logan, C Leszicka, K Limmer, B Briggs, B Pitman

Chairman Diegoli called the meeting to order at 7:00 p.m. He welcomed new Planning Board member Susan Logan and moved that she be appointed the Secretary of the Planning Board. So moved. The minutes from May 14 and June 11 meetings were read and accepted. Diegoli indicated that Bob Hurst in South Chatham had expressed an interest in joining the Planning Board and said that he would follow-up. Logan indicated that the Subdivision Regulations and Master Plan both are in need of updating, which was the main reason she offered to come back on the Planning Board, and said that she is going to begin work on both projects.

There being no further business for the regular monthly meeting, at 7:10 p.m. Chairman Diegoli called to order the Public Hearing on the Gary Punsy subdivision. B Briggs recused himself from the proceedings. Punsy requested that he be allowed to tape the meeting, and Diegoli asked if there were any objections. Leszicka said that he objected because he thought that the presence of the tape machine might be intimidating to residents who might want to speak at the meeting. Diegoli asked if anyone knew what the law required, and Frank Eastman indicated that, to the best of his knowledge, if one person voices opposition, then taping of a meeting is not allowed in the State of NH. Limmer said that he also was uncomfortable having the meeting taped. Diegoli said that the meeting would not be taped. Punsy asked if this exchange would be part of the official record; Logan responded that it would be duly noted.

Chairman Diegoli moved that Punsy's application be accepted as submitted, Logan seconded. So moved.

Ron Briggs appeared as Punsy's representative and described the subdivision as proposed. He explained that it was designed to have the least possible impact on the surrounding area. He reported that at an earlier meeting, the PB had granted a waiver of topography and soil tests but that waiver request had been changed so that topo and soil tests were added to Lots 3-1 and part of 3-2. The waiver remained on the wooded part of the subdivision where no future development is planned. He then opened the floor to questions.

Leszicka asked if the plat had been changed since the last time the PB reviewed it. R Briggs said, yes, the 25' radius on the right-of-way had been adjusted to 30'. The question of frontage was raised. Leszicka questioned Punsy's plan to use frontage on two roads to meet Town requirements. R Briggs replied that nowhere in the regulations is it specified that combinations of streets or roads can't be used; that restriction would have to be specified in the subdivision regulations in order to enforce that interpretation. Briggs read Article I, Section 3 (the Preamble), of the Town's regulations that "*the purpose of this ordinance is to promote the development of an economically sound and stable community....to assure the adequate provision of safe and convenient traffic access and circulation...to create the conditions favorable to health, safety, convenience, or prosperity; and to secure equitable handling of all subdivision plans by providing uniform procedures and standards for observance both by the applicant and the Planning Board.*" He went on to emphasize that uniform procedures and standards must be followed. Further discussion of the road and frontage issues followed.

R Briggs asked for a poll of the PB members to ask if anyone else had a problem with the frontage as proposed. Limmer asked if the intent of the subdivision regulations was to include one or multiple roads in order to meet the frontage requirements. Briggs R answered that the intent of the regulations was that the subdivision have the least amount of impact on the land.

Steve Oppenheim read from the "General Definitions" section of the subdivision regulations: *Except as specifically defined herein, all words in this ordinance shall carry their customary dictionary meaning.* He stated that according to Webster's International Dictionary, "Frontage" is a "portion of land that fronts on a portion of...road." He emphasized that "road" is singular, not plural. He then asked the PB members if we know of any other combination of numbered route and cul-de-sac being used in this manner in Chatham. The PB members were not aware of any similar use, though noted that there are several lots in town that were created prior to the current regulations being adopted that had only 100' of frontage and which bordered two roads. R Briggs agreed that, to the best of his knowledge, there are no combinations in existence under the current regulations, but that's not to say that a combination of roads couldn't be used. Oppenheim responded that there are a lot of things that are a matter of definition; if the intent of the regulations was to allow multiple roads, then plural words would have been used in the definitions.

Chairman Diegoli interrupted to introduce Elise Earl, Punsy's abutter, who said that she would like to make two points: (1) that for ½ mile North or South, only the Earls and Russells live in the area to be impacted year-round; she would hope that her concerns would have a little more weight than some of the other residents. (2) She expressed her disappointment at the lack of direct communication she's had with the Town on this matter; the only reason she knew any details prior to tonight's meeting was that the surveyor was nice enough to explain the proposed plan to her when she approached him as he was laying out flags

near her house. She proceeded to read a statement, on file with the PB, detailing the detrimental impact the proposed Town required road would have on her property and on the esthetics of the area. She asked why if the Developer, the Buyer, and the Abutters all wanted a road with the least amount of impact, the Town would require a 22' gravel stretch through open spaces. She asked why the road-frontage ordinance would be held sacred while the Master Plan is completely ignored. Building in the open spaces is in direct disregard to the findings reported in the Master Plan. How would this road contribute to the rural nature of North Chatham? She concluded by asking if this is really the precedent that the town wants to set.

B Briggs responded that because of state laws, the Town can't subdivide without taking the possibility of future development into consideration. Punskey addressed Earl directly and said if it was up to him, he would leave the current road as is; the PB is forcing the 22' gravel road to go in. R Briggs was asked to describe again the road. The road is currently 213' long. The proposal calls for a 66' right-of-way, and the owners would plan an additional 1300' road to Punskey's camp; the driveway to the Devine home (prospective buyer of one of the lots) would come off Punskey's road.

Leszicka referenced an old litigation case involving a town in Southern NH that was sued because of public health and safety issues relative to homeowners' access. R Briggs said that the Town's responsibility now ends with the road. He cited the tort reform laws that went into affect in the 1980s as a result of cases such as the one Leszicka referenced, where town fire and rescue units were sued by homeowners whose properties were not accessible.

Punskey explained why he designed the road the way he did: to minimize its impact on the scenic beauty of the area. Earl asked again why, when Punskey, the Abutters, and Devine all wanted to keep the current road, the subdivision regulations would take precedent over their wishes - and of the general wishes of town's people to preserve open spaces, as reported in the Master Plan. There was further discussion on state laws and the existing road's accessibility to fire and safety personnel. Earl directed her question again directly to Diegoli, who responded that the road requirements had been enforced in the past for applicants, including Walt Charles when he first came before the PB with a proposed subdivision on this property, and that to waive the requirements in this case would be difficult.

Logan spoke to the matter of the Master Plan and the results of Town Attitudinal Surveys conducted in 1987 and again in 1997 which indicated that preserving the unique and scenic qualities of Chatham were top priorities of residents and non-residents alike, and that, while the PB could not prevent development, it is responsible for directing growth in accordance with those wishes. Logan indicated that she had some concerns about the application as submitted and, speaking for herself, did not feel ready to vote on the application at tonight's meeting. Punskey said that it sounded like Logan had already made up her mind on the matter. She read an excerpt from the NH Office of State Planning handbook on subdivision regulations relative to the approval process: *The approval of an application by the planning board signifies that the proposal meets all applicable regulations and that there are no unresolved concerns requiring further board consideration.* Logan stated that in her mind at least there were several "unresolved concerns" over this application.

Punskey spoke about the conservation easement process, explaining that it involved a \$2,000 assessment which had to be completed in the same year in which the easement is granted. He said he didn't want to incur that expense unnecessarily if the approval process could go into next year. There was a question about Punskey's conservation easement process, and Logan said that she had contacted the Upper Saco Valley Land Trust to confirm that Punskey was in fact involved in what were presumed to be good faith discussions with that organization.

Steve Oppenheim read from the subdivision regulations and said that this is the appropriate time to deal with the length of the road and the standards of the road. Firefighting and safety apparatus again were referenced. R Briggs said "If I owned a piece of land and was forced to build a road to town specs, I might have to further subdivide to recoup the costs of building that road." There was a side discussion on who was actually paying to have the road built, Devine or Punskey, which was determined to be irrelevant to the approval process.

Leszicka questioned why, if no further development on the land was planned, did Punskey include on the application include a 66' right-of-way. Frank Eastman explained that the 66' reflects an old rule pertaining to town, county, and state roads, which had to be "three rods," or 66 feet, wide. Punskey added that in order to put a portion of that land in the Land Trust, certain requirements regarding the road had to be adhered to.

Limmer asked about the suitability of the remaining land for further subdivision. Laura McCabe asked if there were any other subdivisions in town that involved frontage on two roads, and there were none in recent memory. There followed further discussion on existing rules and regulations on the town and state levels re: roads. Logan stated that road frontage is an issue now and was an issue when Punskey and Walt Charles first approached the PB in December of 1998 with a proposed subdivision. She read an excerpt from the minutes of that meeting, in which frontage concerns were referenced, and requested that the application be tabled for now, pending further research and consideration on the part of the PB.

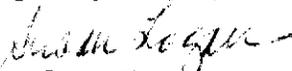
Punsky wanted to know the time frame for a decision. Logan said that it was no one's intent to drag the process out, but there are obvious concerns that still need to be addressed. She quoted from the state statutes which allow the PB 65 days from the time the application is accepted to the time a decision is made, and added that the PB may be given an additional 90 days if warranted and if approved by the Town's Selectmen. Punsky stated that he was under certain restraints because of negotiations with the Land Trust. Logan said that it was her understanding that the easement process can take anywhere from 45 days to 6 months or more and isn't locked into a particular time frame, which depends on each individual situation.

Leszicka asked about the road as was presented during the preliminary review and why the plans had changed since then. PB agreed that this is a fluid process and that everyone's stand has been modified since Punsky's first meeting with the PB in May.

Logan moved to table the application until August 13th, at 2:00 p.m. (special time), pending further consideration and research by the PB. Limmer seconded. With B Briggs abstaining, the vote was unanimous to table the application.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,


Susan Logan, Secretary

August 13, 2002

Present: J. Diegoli, C. Leszicka, K. Limmer, S. Logan, and B. Pitman

Chairman Diegoli called the continuance of the Public Hearing on the Punsky subdivision to order at 2:00 p.m. He reminded everyone that the purpose of the meeting was not to repeat everything from the last meeting but to give people who hadn't been at the last meeting the opportunity to participate. He asked if anyone had any comments.

Don Devine introduced himself, talked about his history with the area through the AMC, and said that he is looking forward to being a low-impact neighbor. He spoke about the intent of our regulations and said that a shorter, narrower, and less public road is better for the community in terms of impact. He prefers less land used for roads and more for fields and meadows, which is why he proposed the shorter road. He stated that he doesn't intend to further subdivide, that Punsky doesn't intend to further subdivide, but that putting in a 22' road could facilitate future development. He emphasized again that his intent to be low impact.

Logan said to Devine that he may not plan further development of his 10 acres, but that still leaves 47 acres belonging to Punsky. She asked Punsky if he plans further subdivision, and he said no, and went on to explain again that he is in negotiations with the Upper Valley Land Trust to put part of his land into a conservation easement. Logan said that she had understood that only his land in wooded and wetlands areas was to be included in the easement and asked about the rest of the property, which does have good development potential. Punsky said that, until the Land Trust's assessment was completed, he doesn't know exactly how much land he would put into a conservation easement. He reiterated his intent is to protect the land, not to develop it.

Logan said, speaking for herself, she could agree to grant waivers re: the road frontage if the end result was to have no further development of the land. Both Punsky and Devine stated that they could not put that stipulation in their deeds. They spoke at length about the incentives that the tax laws provide for easements and explained that the maximum benefit is calculated on the full financial potential of the land, but that a condition of the easement being granted is that the land cannot be further subdivided, so no further development would be the end result.

There was a discussion about precedent and how the Master Plan should affect the Planning Board's decision. Logan said that the Master Plan is a planning tool only, that it alone has no regulatory authority, and that an application cannot be approved or denied based on the recommendations of the Master Plan alone. A town's subdivision regulations or zoning ordinances have the regulatory teeth, and those regulations have to be followed. The Town also has to be able to defend its positions in the case of an appeal. She stated that the subdivision regulations are very much in need of updating, and she would like to see, for example, compromise regulations when it comes to road requirements. Roads servicing 1-2 seasonal and vacation homes having different specs than a road servicing a larger development of year-round residences.

Getting back to the application, Logan stated that, procedurally, this process had been flawed from the beginning, and that, based on strict adherence to the Town's subdivision regulations, the application could be thrown out, with the applicant forced

to start over. She stated that while, procedurally, starting over would be cleaner, it would not be, in her opinion, a fair and reasonable course of action for the Town to take at this point. She added, however, that the Planning Board has to be less "loosey goosey" in its proceedings and must pay more attention to procedure in the future. Also, the Planning Board cannot meet behind closed doors, and the public can attend any of its meetings.

There was a discussion about whether this subdivision constituted a "minor" or "major" subdivision, and the Planning Board agreed that there are definition inconsistencies within the Town's regulations (page 2 and page 20). Historically, the Town has considered subdivisions resulting in two lots to be a Minor Subdivision, and subdivisions resulting in three or more lots to be a Major Subdivision. Because the State statutes don't reference existing roads one way or the other in its definitions, because of inconsistencies in our definitions and the fact that this proposed subdivision doesn't involve large-scale development, the consensus was that the Planning Board's historical interpretation would be allowed this time, too, and the Punskey application will continue to be considered as a Minor Subdivision.

Leszicka asked if there had been any changes to the plat since the last meeting, and R. Briggs responded that he had made a few minor notations, such as a radius change, but nothing substantive.

Leszicka asked about the meeting with McBurney and why R. Briggs was asked to come when no one on the Planning Board had been invited to attend. Logan said that everyone should have known about the upcoming meeting with counsel and, had anyone requested to attend, they could have. She stated that she thought the intent was to include Briggs as Punskey's representative in the spirit of reaching a mutually-satisfactory resolution to the issues raised by the application; Diegoli concurred.

Ted Barrett spoke again and said that both Devine and Punskey's intention is to not further subdivide, referencing his 30 year friendship with Devine and his more recent acquaintance with Punskey. He said that "these two guys are not trying to over-rule the regulations; they want a plan that has the least impact on the land."

Pitman stated that this all comes back to the observation that he made at the May meeting: both Punskey and Devine will get their land for free. They will receive more in tax breaks than what they could get for selling the land at fair market value. Devine said that he will pay an historical price for his piece of land, and that the tax break won't recoup his expenses. He said that he's going to build a very nice, expensive home which will be taxed by the Town and that his demand on Town services will be minimal because his adult children will not be factors in the Town's school budget.

Diegoli reminded the audience that such financial considerations aren't part of the process and asked that the hearing move along.

Leszicka asked Punskey how he could take easement rights on a cul-de-sac, and then make the road a "T" shaped turn-around. R. Briggs said that the direction of the "T" had been reversed in an effort to accommodate the abutter, then asked for a clarification on what the Planning Board is considering at this point.

Leszicka read from page 18, section G, of the subdivision regulations which references what needs to be shown on the final plat, including wells and septic systems on abutting properties. Briggs said that the Planning Board needs to treat each application consistently and fairly and that this hadn't been enforced on numerous prior applications. Elise Earl described the location of both her well and her septic system in relation to the Punskey property.

Briggs asked Diegoli what the attorney advised re: using frontage on both Route 113 and Charles Road (two roads) to satisfy the requirements. Diegoli said that McBurney said that "singular is plural and plural is singular" when it comes to definitions. Leszicka said that he disagreed with that summation based on the letter McBurney sent the Town and read from the paragraph in McBurney's letter that addressed the road issue. R. Briggs read a section from a manual published by the NH Municipal Association which says in summary to ignore the "Public vs. Private" road distinction. Logan agreed that, based on her discussions with the NH Municipal Association, McBurney's road references were confusing and that a road isn't automatically a Town road just because it's built to town specs - it first has to be accepted by the Town. Definitions in the subdivision regulations have to be more specific in order to be enforced strictly.

Wayne McAllister said that the Planning Board needs to protect the Town first, that the Planning Board's responsibility is to make sure that the Town isn't stuck by people who build far off town roads then demand Town services. He says he doesn't care if Punskey and Devine build a cow rut as long as they agree that the Town isn't obligated to provide services to their doors. B. Briggs again cited cases where the Town's responsibility ends with the Town road.

Sarah Punsky asked to speak, and she explained how she and Gary had come into the community, befriended Walt Charles, and described all that they've done to try to be good neighbors, including keeping the field clear at their own expense. Charles sold to them because he liked and trusted them; they hadn't answered an ad in a paper somewhere. And Devine had been introduced to them as someone who shared their concerns for protecting the land. She said that other than putting a larger house for themselves there some day, they have no intention of further developing this land. She asked the Planning Board to trust that their intentions are to protect the land.

Logan said that both she and Diegoli had received letters today via fax from Steve Oppenheim who could not be present at the meeting but who requested that his letter be read into the public record. Logan read out loud his letter which expressed concern that "the approval of this subdivision, as proposed, would create dangerous precedents relating to creation of irregular lots, required frontage, and required roads." He suggested that "the proposed Charles Road extend the full length of the frontage of the newly created Lot 3-1, and then into the remaining Punsky lot a distance to create 300 feet of frontage, which would create two lots of 300 feet with legitimate frontage."

There was a discussion about precedents. R. Briggs said that granting a waiver or waivers doesn't bind the Town to always granting those waivers. After further discussion, the Planning Board decided that setting precedents may or may not create difficulties in the future, but that each application should be reviewed in the context of what was best for the Town in this case.

R. Briggs requested that the Planning Board vote on the application, subject to the following waivers:

- 1) A waiver for the abutter's well location and septic system not being shown on Map 8, Lot 1
- 2) A waiver for the topography requirement on the wooded areas
- 3) A waiver on the frontage requirement because 278' road frontage on Lot 3-2 and 280' on Lot 3-1 "substantially conforms to the regulations." This waiver conditional on a ruling that the 300' requirement could not include frontage from two roads.

He suggested a vote whereby once the conservation easements are in place but prior to construction of the road, the Applicants could come back before the Planning Board for possible revisions to the approved subdivision that would involve the road specifications.

Limmer asked about the letter of the law and whether or not the Master Plan could be invoked. R Briggs stated that the Master Plan is not a scientific document and reiterated that it has no enforcement teeth. He said that the Master Plan could not be used to approve or deny this application.

Logan asked about utilities. Devine said that he had talked with PSNH and that he might have to put in one pole on Route 113, then all utilities would be underground. She asked if Devine would be willing to cooperate with Punsky to provide abutter Elise Earl landscaping to reduce the impact on her property of a road in the subdivision; Devine and Punsky both agreed to provide landscaping, if any, as requested by Earl. Logan asked about the right-of-way across Earl's land. Punsky pointed out on the plat the location of the right-of-way, which is through Earl's front yard. Logan asked if he would be willing to give up that right-of-way, and Punsky asked why should he do that. Lezsicka said that the right-of-way would actually be Devine's, and after some discussion, Devine said that he would give it up. B. Briggs questioned the appropriateness of the Planning Board making these requests. Logan responded that, within reason, it is well within the Planning Board's purview to request concessions from the Applicant that will lessen impact of the subdivision on Abutters, particularly when the Applicants are requesting waivers from the Town. Devine repeated that, while giving up the right-of-way wasn't something that he'd considered before, he saw no need for it, and that for the record, it is his intent to give up his right-of-way across Earl's southerly boundary line.

Logan stated that granting waivers is not something that the Town should do lightly and without careful consideration. She said that she and other members of the Planning Board have spent countless hours researching the issues surrounding this application and that, unfortunately, there has been no absolute answers given, that much is subject to definitions and open to interpretation relative to the intent of our regulations. She said that she had been advised that the Town's 300' frontage requirement is on the high end of what other towns required, and that, in the event of appeal, the Planning Board would be required to provide a strong justification for that requirement. She said that she received a great deal of advice from numerous parties, and that, in the end, the Planning Board needs to use its best judgment when interpreting the regulations and act in good faith when making a decision.

Diegoli asked if anyone had anything else to add, and no one did. Logan moved that the application be approved, subject to the waivers as requested by R. Briggs. She said that she agrees that the 278' and 280' frontage substantially meets the requirements, especially since there's still a question about frontage on two roads being allowed. Having a longer road might be cleaner for the Planning Board, but the abutters want a road with the least possible impact. She asked that, assuming the application is

approved, the record show that the Planning Board is proceeding in good faith that the overall intent of the Town's regulations is being followed on both sides and that the rural, open nature of the parcel will be protected as much as possible. She stated that she considers both Devine and the Punksys to be stewards of the land being subdivided and that her motion is being made with trust that no one will regret the decision made today. The intent here is for all involved to be working towards the goals of the Master Plan.

Limmer seconded the motion. Diegoli abstained from voting. There was no further discussion. The motion carried, 3 to 1.

The Public Hearing adjourned at 3:50 p.m.

Chairman Diegoli called the regular monthly meeting to order at 4:00 p.m. The reading of the minutes from July's meeting was postponed in order to proceed with a preliminary review of a proposed subdivision by Jane and Alan Lounsbury, who introduced themselves. B Briggs recused himself from the proceedings citing conflict of interest. The Lounsburys introduced themselves and explained that they currently own 93 acres in Center Chatham, which had been purchased from the McKenzies, and propose to create two, three-acre lots for relatives. Each lot would have 300' of frontage on Route 113B and would be 420' in depth. Diegoli told them that septic and driveway permits are needed from the State before a plat is submitted to the Planning Board.

R Briggs, their surveyor, indicated that the buildability of the lots has been verified, and he proposed limiting the surveying to where the new lots will be, not the whole parcel. Cost would be a factor. Diegoli said that the Planning Board has been asked by the Town to request comprehensive surveying in order to make sure that the tax maps are accurate. Leszioka questioned this and stated that surveying the entire parcel for the Wardwell and other recent subdivisions hadn't been required, and that the Planning Board needs to be consistent. R Briggs asked for a consensus on what the Planning Board would require. The Planning Board agreed to a compromise whereby Briggs would establish the two end lines and write on the plat that the area was determined by open, not closed, survey.

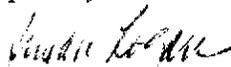
Diegoli stated that he wished to step down as Chair of the Planning Board. After discussion about the shortage of Planning Board members already, and the fact that one person couldn't hold two offices, he agreed to stay on for now.

A discussion followed on proper procedures that need to be followed consistently and fairly when dealing with applications. Logan asked Briggs about his frequent conflicts of interest: because of his brother's surveying business, is he going to have a conflict more often than not, and, if so, how can he be an effective Planning Board member? Briggs said that the Selectmen are looking into alternate members so as to avoid this problem. He stated that no one with a personal agenda should be serving on the Planning Board, and he questioned again the appropriateness of the requests that Logan had made relative to the Punskey subdivision application. Logan reiterated that the Planning Board has discretionary powers when it comes to mitigating the impact of a subdivision on abutters.

Diegoli stated that he had signed the AMC plat from November 14, 1986, and given it to Ted Barrett following the Public Hearing on the Punskey application. A discussion followed on whether or not this was proper, and Briggs questioned whether there should have been more discussion. The approved minutes from the June meeting were referenced, which is when Barrett had appeared before the Planning Board with this request. Diegoli said that he had put today's date on the plat (8/13/02) with his signature, that this plat was already on record as having been approved, and that the AMC simply wanted a signed copy for their records.

July's minutes were read and accepted. The minutes from the July Public Hearing were approved. There being no further business, the meeting adjourned at 5:00 p.m.

Respectfully submitted,



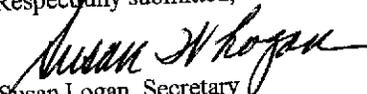
Susan Logan, Secretary

September 10, 2002

Present: B. Briggs, S. Logan

Because there wasn't a quorum, no business was conducted. Minutes from the August meeting were reviewed. R. Briggs, also present, stated that he had qualified item #3 on his waiver requests made during the August 13th Public Hearing to include a condition for road frontage requirements being waived. B. Briggs said that he also wanted R. Briggs' comments about the Master Plan not being a scientific document included in the minutes. Logan revised minutes to include both requests.

Respectfully submitted,


Susan Logan, Secretary

October 8, 2002

Present: B. Briggs, K. Limmer, S. Logan

After a discussion on the definition of "quorum" in light of 3 vacancies on the Planning Board currently, the members present decided to hold a meeting, which was called to order at 7:10 by Logan. Alan and Jane Lounsbury appeared to discuss again the survey requirements for their proposed subdivision on Route 113B in Center Chatham. There is nothing in the regulations that require the entire parcel be surveyed, other than property lines with approximate dimensions being shown. The Town would only require a complete survey being conducted when there was a dispute over property taxes brought forth by the landowner. After further discussion, the Planning Board advised the Lounsburys that approximate dimensions of the entire 93-acre parcel, combined with complete surveys on both of the proposed new lots, would satisfy the Town's requirements.

The minutes from August's Public Meeting and regular monthly meeting, with the revisions discussed with the Briggs in September, were reviewed and accepted.

There was a discussion on the status of Steve Oppenheim's appeal of the Planning Board's approval of the Punksy subdivision. B. Briggs questioned if, by requiring a provision that there be no further subdivision, the Town is putting itself in a position to be sued later for an unlawful taking of land. He also questioned whether or not the Town should do nothing about the appeal, stating that would result in the Town automatically losing the case and being responsible for legal fees on both sides. Logan and Limmer updated him on the last Selectmen's meeting, to which the Planning Board was invited to discuss the situation. The Selectmen do intend to seek legal advice prior to the Court's deadlines.

There was a brief discussion on the AMC plat from November 14, 1986. Is it on file in Ossipee or not? There was also a discussion on the need for Planning Board meeting notices to be posted. Logan indicated that she would post notices indicating that the Planning Board meets at Town Hall on the second Tuesday of every month.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,


Susan Logan, Secretary

November 12, 2002

Present: B. Briggs, S. Logan, W. Infinger, A. Lounsbury, P. Straw

The meeting was called to order at 7:05 p.m. by Secretary Logan, and the new Board members Infinger, Lounsbury, and Straw were introduced. The minutes of the October meeting were read and accepted. B. Briggs presented for the PB's files a completed Wetlands Application from Joseph and Diane Scott.

Ted Barrett appeared before the PB again re: the AMC plat. He explained that the AMC research the deeds and learned that the plat from 1986 had never been filed. The Oxford County Registry needs a vellum signed for its records. Minutes from the PB's meeting of 11/30/86 were referenced in which the PB waived the sub-division procedures because it determined that the transaction was a simple boundary line adjustment. Prior to then-Chairman Diegoli's signing of a copy of the AMC plat in August, there was no signed copy of the AMC's plat anywhere. The deed has been recorded, and a signed plat needs to be recorded, too. There was discussion on what action would be appropriate for the current PB to take now, especially since Diegoli is no longer a member of the PB and could no longer sign documents of behalf of the PB. Infinger volunteered to contact attorney Dewhurst's office for advice on how to proceed.

Logan updated the PB on the Oppenheim situation and reported that, to the extent that there has been no apparent progress since last month, a settlement of the appeal appears less likely than it did a month ago. She has provided attorney Dewhurst's office with requested PB documentation, and the Town's intent at this point is to respond to the appeal.

The PB is currently without a Chair, and there was discussion on what the position entails and who might be willing to serve. The matter was tabled until the December meeting.

Jim Diegoli appeared before the PB with a preliminary layout of his land on Beach and Little Chatham Roads to report that he had received a clarification from the Selectman on the status of the road. The road is Class V to Beach Road, then Class VI to the Town Line.

JD is proposing a minor subdivision of 12.6+/- total acres. There was a question re: Northland and whether utilities are considered to be abutters for notification purposes. Logan indicated that she thought Northland would have to be notified. As to whether his two abutters in Maine have to be notified, too. He was advised that he's not legally obligated to notify them, but it's a good idea. Also, he asked if he has to locate all septic and wells within 200 feet of the lot line, and, because that is what the PB current regulations require, he would be required to do so.

B. Briggs is going to clarify the terms of all PB members, since some are filling vacated seats, and report back to the PB. He told the PB that Ron Briggs had been named as a general alternate member to the Board and that Wayne McAllister would serve as the Selectmen's alternate representative if needed in the future.

There being no further business, the meeting adjourned at 8:20 p.m.

Respectfully submitted,


Susan Logan, Secretary

December 10, 2002

Present: B. Briggs, S. Logan, A. Lounsbury, W. Infinger, K. Limmer

Acting Chair Logan called the meeting to order at 7:00 p.m. She introduced guest Mike King, Executive Director of the North Country Council, who explained the resources that are available to Chatham through his office. He spoke about the forest management and economic development issues in which his office is involved, as well as the planning assistance that his office could offer to the PB. There are several professional planners on the NCC staff who, while not able to give legal advice, can offer opinions based on precedents and court decisions. He advised that the first step in effective planning is to develop a Master Plan, which is a reflection of what the community wants. The PB's charge then is to develop the planning rules, with public input, by which the community will abide. He reiterated his office's willingness to assist the PB throughout the process of updating our subdivision regulations and Master Plan.

The minutes from November's meeting were read and accepted.

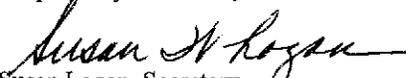
Ted Barrett appeared before the PB again on behalf of the AMC regarding the plat from 1986 that had never been recorded. Infinger reported that, according to attorney Dewhurst, as long as the PB in 1986 had the legal authority to approve a boundary line adjustment, then the current PB can sign the plat now. There was further discussion on the matter, and the consensus of the PB was that Secretary Logan could sign the plat on behalf of the PB.

Wayne McAllister, Chair of the Selectmen, also was present, and he and Logan updated the PB on the status of the Oppenheim appeal of the Punskey subdivision. Correspondence which had just been received from Oppenheim's attorney Randy Cooper via Dewhurst's office was reviewed and discussed. Logan mailed to members prior to next meeting. In summary, Oppenheim represented that the Selectmen and PB had agreed verbally to his demands for PB training, workshop attendance, maintaining a library of various planning publications, and membership in the North Country Council in exchange for his dropping the appeal. Both McAllister and Logan had recent informal telephone conversations with Oppenheim, but there had been no agreements reached on behalf of either the Selectmen or the Planning Board. Still, the PB agreed that it's in everyone's best interests to settle the appeal and move forward. The PB authorized Logan to join McAllister in a meeting with attorney Dewhurst to write a letter in response. The letter would acknowledge that the PB has begun the process of better informing and educating its members and would advise Oppenheim that the Town has already committed to joining the North Country Council. The PB was reluctant, however, to legally bind future volunteers to too many stringent requirements. Logan and McAllister were asked to share the PB's input with Dewhurst, who will craft the appropriate response.

The matter of the position of Chair of the Planning Board was tabled again until the January meeting. Briggs reported that he had not yet researched the individual PB members' terms but would do so in the near future.

There being no further business, the meeting adjourned at 9:00 p.m.

Respectfully submitted,


Susan Logan, Secretary

January 14, 2003

Present: B. Briggs, K. Limmer, S. Logan, A. Lounsbury, B. Pitman, P. Straw
Absent: W. Infinger, R. Briggs (Alternate), W. McAllister (Alternate)

The meeting was called to order at 7:00 p.m. by acting Chair Logan. Lounsbury moved to accept the minutes from December's meeting. So moved.

Logan reported that Wayne Infinger was unable to attend tonight's meeting but has agreed to be the new Chair of the PB. If elected, he has asked for a good faith commitment on the part of all members to update and educate ourselves on State planning statutes and regulations, to attend conferences and seminars when possible, and in general to share the responsibility of being informed and involved in planning issues effecting the Town. By show of hands, all members agreed to make this commitment. Limmer nominated Infinger for Chair; Briggs seconded. Lounsbury moved that nominations cease. By unanimous vote of the PB, Infinger is the new Chair.

Briggs brought up the matter of having a Vice Chair. After some discussion, the matter was tabled for tonight. Logan to check regulations to see if that position is mandatory for the PB.

Logan said that she will contact the NH Office of State Planning, the NH Municipal Association, and the North Country Council with hers and Infinger's names and addresses re: future mailings concerning the PB.

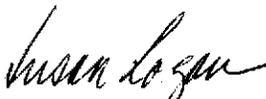
Jim Diegoli appeared before the PB to discuss his plans for a 3-lot subdivision on Beach Road in South Chatham. Since no new roads will be created, he asked if this would be a Minor or Major Subdivision. Logan said that, based on the PB's past interpretation of conflicting definitions, in her opinion, this should be treated as a Major Subdivision, because it involves 3 lots. The other members agreed. Diegoli asked that the minutes note that an easement was granted by previous owners Laynes to the phone company, and that easement is not counted as part of the current lot. Limmer asked about the configurations of the lots. Diegoli explained that pencil lots were common prior to the existence of Town regulations. The entire lot, 12.75 acres, has not been surveyed previously. About ten years ago, the entire property went into litigation, and the back boundary was set by the Court. Diegoli's goal is to have minimal impact from development. Briggs asked about topo. Our subdivision regulations were referenced, and topo contours are required at 5' intervals. Diegoli discussed his ideas for property line adjustments to benefit his abutters. A Preliminary Review of Diegoli's proposed subdivision will be scheduled for next month's meeting.

Logan reported that there has been no new information on the Oppenheim appeal since the 12/19/02 letter from Attorney Dewhurst, indicating that he and Attorney Cooper had talked and that the matter was about to be settled out of court. Limmer asked about PB training, and Logan said that Dewhurst had offered to meet with the PB to discuss developing a handbook and training program. He has offered to volunteer some of that time as part of his office's community service to the Town. He has also offered to discuss with the PB its approval of the Punskey application once it has settled.

There was discussion regarding the need to update our subdivision regulations, especially those that are out of date with current State regulations. Logan to make a list of procedural regulations that should be updated first.

There being no new business, the meeting adjourned at 8:20 p.m.

Respectfully submitted,


Susan Logan, Secretary

February 11, 2003

Present: B. Briggs, S. Logan, A. Lounsbury, P. Straw, R. Briggs (Alternate)

Absent: W. Infinger, K. Limmer, B. Pitman, W. McAllister (Alternate)

The meeting was called to order at 7:00 p.m. by Acting Chair Logan. The minutes of the previous meeting were read. Lounsbury made the motion to accept, Straw seconded. The minutes were accepted as read.

The Public Hearing on the Preliminary Review of the Diegoli subdivision (Lot 38, Map 1, 12.75 total acres) was called to order by Logan at 7:15 p.m. Approximately 15 members of the public attended. Logan introduced Jim Diegoli, who described the lot in South Chatham that he proposes to subdivide and presented a plat for review. He noted that some topo, wells, septic, and buildings are not located on the plat yet. Logan opened the floor to questions. There was a question re: the exact acreage involved, because the Town tax maps indicate that the lot is 8 acres +/- . Diegoli's professional survey of 12.75 acres would take precedence over the tax maps. There were numerous comments and questions concerning Beach Road and who actually owns the land. The Town has a quick claim deed dated 7/17/64 from previous owner Duprey on 945' of the road. There were questions about maintenance and liability issues concerning the roads and whether or not the Town has liability insurance, which it does. There was a question about Town liability in the event of development off a Class VI road. R. Briggs responded by saying that, as is the case now in several areas of town, the Town and the landowner(s) would have an agreement that, in the case of any emergency, the Town would have no liability because of access issues. There was a question about who owns the land for which there is a utility easement. Diegoli owns the land, but is bound by the covenants of the easement. There was a question re: any grandfathered provisions on the original subdivision, which took place in the 1950s prior to any Town regulations being adopted. There was a question about whether or not there are any wetlands on the lot, and there are not. There were several questions concerning Diegoli's intentions. He indicated that he doesn't know yet what he will do with the land. He has owned it since 2001. He has had conversations with abutters, and there's a possibility that he will convey some or all of the land to abutters, or, he may save it for his son. He indicated that he will probably put restrictions on the lots regarding what can be done with the land. If anything is built, it would be a single family dwelling with set backs. There were questions about the Town's regulations and whether or not this is a legal subdivision. The public was advised that Chatham has no zoning regulations and cannot tell a property owner what to do with his or her land beyond what is included in the scope of the existing regulations. Diegoli's application is in compliance with existing subdivision regulations. There was a question re: the larger of the three lots in the proposed subdivision and its distance from the water. R. Briggs advised Diegoli that if the lot is less than 250' from the water, it is not exempt from subdivision approval; he needs to have the test pit data sent to and approved by the State before the final application can be approved.

Logan asked if there were any other questions from the Public. There being none, the Public Hearing was closed at 8:15 p.m.

The regular monthly meeting continued with Old Business and Logan giving an update on the status of old minutes. January 1999 through April 2002 are missing from the Town records. The Office of State Planning has advised the following procedure for updating the Town records: a work session with the current PB, attended by the former Chair and any other members who are available and who can recount the meetings for which minutes are missing. The current PB would then vote to accept the oral account as the minutes of record, and a note would be inserted after the December 1998 minutes, referencing where in the record's book by date, the minutes' summary can be found. Jim Diegoli, former Chair, has agreed to work with the current PB to this end.

There was discussion on the subdivision regulations and how best to proceed with updating them. Logan reported that revised subdivision regulations cannot be adopted without public input. The consensus was that details of the application process re: fees, etc., don't belong in the regulations anyway and can be updated independently and immediately to make the process less confusing and easier to understand for the applicant. Logan to have revised forms and a subdivision procedure checklist for the next meeting. There was also discussion on the notification process for abutters. The PB was in consensus that the abutter notices should actually be mailed by a

member of the PB, not the applicant. The applicant will be asked to provide addressed, #10 envelopes to the PB, along with completed Certified Mail cards, as part of the application process. The applicant will be given the option of having the PB do all the paperwork for an additional fee.

Logan reported that the Oppenheim appeal had been settled, and R. Briggs pointed out that, actually, it had been dismissed with prejudice in favor of the Town. B. Briggs said that the legal bills totaled approximately \$6,000.00 to date, and the question was raised about reimbursement to the Town. B. Briggs was asked to talk to the Selectmen about getting legal advice as to whether the Town might seek reimbursement from Oppenheim.

Logan reported that Attorney Dewhurst has offered to meet with the PB to discuss the Oppenheim appeal and training for the PB. Logan was authorized to schedule a meeting with Dewhurst and the Planning Board.

The regular monthly meeting of the PB was rescheduled for Thursday, March 13, at 7:00 p.m. at the Town Offices in North Chatham because of Town Meeting on the 11th.

Logan gave everyone a copy of the current Planning Board By-Laws, which need to be updated. Proposed revisions include substituting the office of Vice Chairperson for Secretary, officially changing the day of our monthly meetings, and updating the RSA references. The revisions were read and discussed.

Logan reported that the annual "Zoning & Planning Conference," sponsored by the Office of State Planning, will be held in Concord on Saturday, April 12, from 9:00-3:00. Cost to participate will be approximately \$15.00 per person. The conference usually sells out, and registration information will be available later this month. Logan is going to reserve four registration slots for the PB.

B. Briggs reported that the following expiration dates apply for PB members' terms:

Expiring 2003: Infinger, Lounsbury

Expiring 2004: Limmer, Pitman

Expiring 2005 Logan, Straw, R. Briggs (alternate)

B. Briggs' term expires with his Selectman's term

Logan reported that a letter had been received from Mark Antell, proposing a 2-lot subdivision on Map 8, Lot 24, in North Chatham. The tax map and card were referenced. The lot in question is 1.35 total acres. The PB instructed Logan to write a letter to Antell, advising him that the proposed subdivision does not comply with the Town's regulations (126,000' lots) and inviting him to the next meeting if he wanted to discuss the matter further.

A. Lounsbury submitted a completed application for approval on his 3-lot subdivision in Center Chatham (Map 5, 32A, 93 total acres). He proposes to create two, three-acre lots on Main Road and presented a plat for review. He has received subdivision approval and driveway permits from the State. He will contact Logan with the abutters' mailings, and a Public Hearing will be schedule for the March meeting.

There being no other business, the meeting adjourned at 9:50 p.m.

Respectfully submitted,



Susan Logan, Secretary

March 13, 2003

Present: W. Infinger, B. Briggs, S. Logan, K. Limmer, A. Lounsbury, B. Pitman
Absent: P. Straw, W. McAllister (alternate)

The regular meeting of the PB was called to order at 7:00 p.m. by Chairperson Infinger. He stated that the role of the Planning Board is to hold everyone to same standards when reviewing applications. Whatever the decisions made in the past, most of the current PB is new. Speaking for himself, he said that procedurally, he would err on the side of caution when considering applications, that each application must be treated fairly and consistently.

Lounsbury made a motion to accept the February minutes as written; Limmer seconded. The minutes were approved as written. Briggs questioned not reading the minutes out loud. Logan said that she had checked with the Office of State Planning re: procedure and was told that, as long as minutes are mailed ahead of time to all PB members and are available for inspection at the Town Office before the meeting, reading of the minutes during the meeting is not necessary and saves time. She did bring extra copies of February minutes for any members of the public in attendance who wanted them.

Logan made a motion to revise the agenda and proceed directly to the Public Hearing on the Diegoli application. The Public Hearing was called to order by Chairperson Infinger at 7:05 p.m., who then recused himself officially from the deliberations, explaining that he is an abutter and has had discussions with Diegoli, so he could participate in the hearing only as a member of the public. There were three other members of the public present at the meeting: Judy Goss, Chuck Kyle, and Karla Seneca. Logan introduced Diegoli, who reported that, as a result of R. Briggs' statements at the last meeting relative to test pits needed for all three lots, he had contacted the State. After researching the matter, DES confirmed that test pit data was required for all three lots. Diegoli presented a revised plat which showed test pits on all three lots. There was a question about when the test pits were dug: Diegoli replied that he had dug two sample pits before he bought the property, then the test pits for the State were dug last Fall. He said that they found decent soil, not ledge, throughout the entire parcel. Diegoli presented Approval for Subdivision from DES for all three lots, amended 2/28/03 to include Lot 1, which had been questioned at the February meeting.

There was a question about set-backs on the lots. Diegoli said that he doesn't have to do anything, but when he gets ready to sell the lots, he plans to put 50' set-backs in the deeds, probably to include buildings as well as cutting trees. Diegoli repeated that his intent is to have minimal impact on the area. There was a question about the Town road, which is a deeded right-of-way. The comment was made that the Town stops maintaining the road at the Town Beach, and beyond that, where it becomes a Class VI road, the road should be posted.

There was a question about whether Diegoli can put anything on the land that he wants. As long as his application meets the Town's submission requirements, the septic design supports the planned use, and any buildings are within the "38' to eaves" State requirement, the Town has no further jurisdiction over what Diegoli can do with the land.

B. Briggs said that he talked with the Municipal Association and was advised that at the time land on a Class VI road is subdivided, a waiver should be required that absolves Town from responsibility for access on the road. There was discussion on whether or not such a waiver needs to be required as a condition of application approval. Limmer said that, unless required in writing, either in the Town or State regulations, he didn't think that the PB should require the waiver. Lounsbury agreed, but did say that the road should be posted. Briggs was asked to take that request back to the Selectmen. Limmer made the motion to accept the Diegoli application as complete and to approve it; Lounsbury seconded. The vote was 4 in favor, 1 abstention, and 1 recusal. The application was approved. The Public Hearing on Diegoli's application was adjourned at 7:55 p.m.

There was a discussion regarding fees. The fees that the PB currently charge for both minor and major subdivisions are higher than what are required in the Town subdivision regulations. The PB currently charges a fee of \$90 for a major subdivision, and the discussion concerned whether Diegoli should pay the \$90 fee on top of his other expenses. Because Diegoli had so many abutters, the postage costs alone for Certified Mailings for both his Public

Hearings totaled \$141.44. In addition, Diegoli paid an additional \$46.00 for registering his plat and advertising the Public Hearing, for a total paid to the Town to date of \$187.44. Infinger made the motion that Diegoli owes no more money to the Town; Logan seconded. The motion passed. Infinger also moved that Fees be put on the agenda for the next meeting; Logan seconded. The motion passed. There was also a discussion on how money matters for postage, etc., should be handled, since the PB has no checking or cash account.

No members of the public appeared for Lounsbury's Public Hearing, scheduled for 8:00 p.m. Logan requested that the hearing be postponed until later in the meeting to accommodate Karla Seneca, who appeared on behalf of Mark Antell to request a variance to the subdivision regulations in order to subdivide his lot in North Chatham. Logan recused herself from the discussions, stating that she is an abutter of Antell's. Seneca explained that financing is an issue with a house that Antell is building and distributed a set of questions and comments from Antell. There was discussion on the size of the lot. The Town tax maps once again were referenced, and Briggs confirmed that the lot in question is a total of 1.35 acres. Infinger repeated that the role of the PB is to hold everyone to same standards. The size of the lot is a problem. Seneca said that Antell has an approved septic design for the lot. Briggs indicated that his brother designed the system, and it was his understanding that the design was for one dwelling only. Seneca was advised that the State stipulates there can be only one dwelling per lot. If the 3-season camp is taken down, or used only for a workshop or other non-dwelling purpose, then subdivision wouldn't be necessary as far as lenders are concerned; Antell could complete construction on the new home; and neither the State nor the Planning Board would be involved. Seneca was told that Antell could proceed with the subdivision process, but its approval is unlikely.

Infinger called to order the Public Hearing on the Lounsbury application at 8:30 p.m. Lounsbury presented a plat and described the proposed 3-lot subdivision on Route 113B. He presented driveway permits and the Approval for Subdivision from DES. Logan moved that the application be accepted and approved as submitted, Limmer seconded. The vote was 5 in favor, 1 recusal. The application was approved. The Public Hearing was closed at 8:40 p.m.

There was discussion on the Subdivision regulations, and Logan distributed a set of model regulations recommended by the Office of State Planning. She also distributed an excerpt from the subdivision regulations of the Town of Rumney, one of the few towns in NH that has minimum lot sizes (soil based) without zoning. The PB to begin work sessions on revisions after next month's Zoning & Planning Conference in Concord.

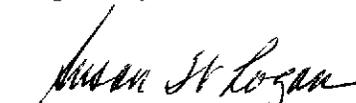
Logan read the proposed revisions to the By-Laws.

Because last week's scheduled meeting with Attorney Tom Dewhurst was postponed due to his baby's birth, Logan asked PB members for meeting date options in the next week. She will call Dewhurst to reschedule and advise everyone of the new date.

Logan reported that there had been no written communications for the PB in the last month but that she did have a call from Ron Briggs, who told her that he was resigning from being an alternate member of the PB. He thinks that, because of his business, conflict of interest concerns may arise with future applicants. He is willing, however, to continue to assist as a technical advisor in the revision process with the subdivision regulations.

There being no further business, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,


Susan Logan, Secretary

April 8, 2003

Present: W. Infinger, S. Logan, B. Briggs, B. Pitman, A. Lounsbury, K. Limmer
Absent: P. Straw, W. McAllister (alternate)

Chair Infinger called the meeting to order at 7:00 p.m. Logan made the motion to jump the agenda in order to accommodate Gary Punskey, who had requested a meeting with the Board and was present; Lounsbury seconded; the motion passed. Introductions were made

Infinger began the meeting with the statement that, as the new Chairperson, he is charged with enforcing the current regulations, as outdated as they may be. The Planning Board for the time being will err on the side of caution and work towards revising the subdivision regulations to make the Planning Board's job easier in the future.

Punskey explained the background of his conservation easement process and said that, after last's year's delay because of the appeal of his subdivision approval, he is going forward. He said that he appeared on behalf of Don Devine, too, who has written a letter to the Planning Board. Logan said that she had received it in time to mail with March's minutes, and all members present had a copy. Punskey said both wanted to request that the road construction requirements be waived in order to preserve the aesthetics of the field which was subdivided last August. Punskey talked about the tax benefits of putting the land in a conservation trust through the Upper Saco Valley Land Trust and said that the end result would be no further development, that the field would be protected and kept open. Non-commercial harvesting of the wooded portions of the land would also be in the deed.

B. Briggs recused himself from the discussions, because his brother was Punskey's surveyor, but first he reminded the Board that the conservation easement has nothing to do with a waiver of the road requirements.

There was discussion on the road frontage, and Infinger asked if each lot in the 2-lot subdivision has the required 300 feet, and they do, using the platted cul-de-sac. He said that the Land Trust issue had no bearing on the Town's regulations, because without extending the road, there could be no further subdivision anyway. There was discussion on the difference between a private road and a Town road. Abutter Elise Earl appeared and said that Don Devine had called her to tell her about the meeting. He wants to request that Charles Road be changed to a private driveway and to get the road requirements waived to protect the field. Punskey said that the motive for both of them is protecting the aesthetics of the area. Instead of a 22' road, which is wider than Route 113, he proposes to create a 12' driveway. Lounsbury questioned how the road requirements under the subdivision approval would be met, and Infinger questioned the road frontage's length vs. width. Punskey explained that the length of the cul-de-sac would remain the same to meet the requirements; just the width would change. There was discussion on precedents involved in waiving the road construction requirements to allow a driveway, which would alter the road frontage on which the Punskey subdivision application was approved in August 2002. The regulations' road design criteria were referenced. Infinger reiterated that his charge as Chair is to facilitate fair and consistent planning on the part of the Planning Board. He said that the subdivision regulations are in the process of being revised, and he encouraged Punskey and anyone else who is interested to get involved in that process. Lounsbury said that he is certainly supportive of Punskey and Devine's desire to protect the field, but he made the point that, even when the subdivision regulations are changed, it doesn't mean that, in their case, the road requirements would be waived. Infinger asked Punskey how he wanted to proceed. Punskey said that it had been his intent to formally request a waiver in order to get a 12' driveway built, but that he's decided to just open the discussion for now and was not asking for a waiver at this time. He asked about the time frame for completing a road on an approved subdivision, and after some discussion on whether it's two or four years, the RSAs were referenced but without finding the answer. Logan to get a clarification on the time frame involved. Punskey thanked the Planning Board for its time and left.

At this point, the meeting's agenda was resumed. Lounsbury made a motion to accept the March minutes as written; Limmer seconded. The minutes were approved.

The letter was discussed from Don Devine in which he requested a waiver on the requirement that Charles Road be constructed to Town road specifications so that he could construct a driveway instead. The matter was tabled for

further deliberation and discussion, and Infinger asked Logan to write a letter to Devine, advising him that no action was taken at this meeting.

Logan advised the Board that she had also received an email from Devine, requesting assistance in mailing address assignment, and she had forwarded that communication to Trish Pitman.

B. Briggs submitted a resignation letter from Ron Briggs in which he said that, even though he is resigning from the Planning Board, he is willing to continue to offer input as the regulations are revised and that he is available to the Planning Board for assistance in its land use and planning considerations

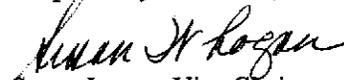
Logan distributed a set of revised By-Laws to all Planning Board members. She said that, according to the By-Laws, the PB needs to elect a Chair and Vice-Chair (under current RSAs, replaces former Secretary's position) at this meeting. Lounsbury nominated Infinger as Chairperson for the ensuing year; Logan seconded. By unanimous vote, the motion passed. Lounsbury nominated Logan as Vice-Chair, and Infinger seconded. By unanimous vote, the motion passed.

There was a discussion on the subdivision fees. Because four of the members are participating in the Office of State Planning's "Planning & Zoning Conference" in Concord on April 12, and plan to research a number of issues, the decision was made to wait until after the conference to set new policies. Limmer, Logan, Lounsbury, and Infinger will meet in Conway at 6:15 a.m. on Saturday and travel to the conference together.

Logan distributed a letter from Attorney Tom Dewhurst which he had written in response to the question of a possible application moratorium pending revision of the current subdivision regulations. After a review of the law, Dewhurst found no specific authority allowing our Board to invoke such a moratorium. RSA 674:23 does speak to Interim Regulation, but only in the context of a zoning ordinance. All present agreed that, while there are no new applications before us, the regulations need to be updated and revised without delay.

There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

May 13, 2003

Present: S. Logan, B. Briggs, A. Lounsbury, K. Limmer

Absent: W. Infinger, P. Straw, B. Pitman, W. McAllister (alternate)

Assistant Chair Logan called the meeting to order and recognized visitor Don Devine, who wanted to observe the meeting, and Ron Briggs, who has volunteered to help with the subdivision regulations revision. Limmer made the motion to accept the minutes as written. After questioning the wording concerning the status of Punsky's waiver request intentions, Lounsbury seconded the motion, and the minutes were approved.

B. Briggs reported that the North Country Council needs two representatives from Chatham. Anyone who is interested, or knows of someone who might be, should contact the Selectmen. Also, Trish Pitman needs an updated list of subdivisions for the tax maps. Briggs and Logan to coordinate.

A discussion was held concerning subdivision fees. Logan reported that, because the fee structure is included in the current subdivision regulations, the Planning Board cannot revise said fees without holding a Public Hearing. The Board can, however, begin work on revising the fees, along with the rest of the subdivision regulations, and a composite fee schedule that Conway Planner Tom Irving had shared with Logan was discussed. The PB agreed that, in the revised subdivision regulations, fees would be referenced, but the actual fee structure would be included as a

handout with the application so that it could be updated as needed as postal rates increased, without having to hold public meetings.

Also under Old Business, Logan reported that she had called the Office of State Planning to request clarification on the time frame involved for Punsky to complete the road as required as part of his subdivision approval last August. She was told that the law assumes that conditions attached to subdivision approvals are detailed in the approval process, i.e., "the application is approved subject to the road being completed within two years from the date of the plat's filing," or something similar. In the absence of specific wording within the approval, compliance enforcement is at the discretion of the Town; State RSAs don't speak to this enforcement process. The PB tabled the discussion for further discussion.

The revision process for the current subdivision regulations followed. Members present agreed that scheduling work sessions in between monthly meetings would be a good idea, and several dates for later this month were discussed. Logan to check with Chairman Infinger's availability and send a work session notice with minutes next week.

There was a brief discussion on the possibility of having a one-zone town so that set-backs and other concerns that had been raised at recent public hearings could be addressed. There was also a discussion on whether or not, without zoning, minimum lot size requirements could be upheld if challenged in court. R. Briggs said that, as long as the lot size requirements are reasonable and fit the character of the community, subdivision regulations alone could suffice. A discussion on waiver requirements followed with Briggs making the point that, because a waiver is granted to one person, that doesn't mean that it has to be granted in the future. Logan reported that the Office of State Planning advised that a town could "deal" with an applicant for the greater good of the community. Further discussion resulted in the agreement that future regulations would include wording to the effect, "If a landowner makes some concession that would benefit the town, waivers may be granted."

B. Briggs advised that the Town of Madison includes with its Public Hearing notices to abutters a description of the approval process and a reminder that the application must be approved if it satisfies the town's existing regulations. He said that including information like this with Chatham's abutters' notices might clear up some of the confusion on the Planning Board's role that we witnessed during the Diegoli hearings. The other members agreed that this is a good idea, and Logan to implement this suggestion with the next application.

Logan reported that, in order to be in strict compliance with NH RSAs, the PB needs to have "Rules of Procedure." These can be combined with By-Laws, but the enabling document should reference RSA 676:1. She distributed a revised set of rules and read the revisions for the record.

Limmer, Lounsbury, and Logan all reported that last month's Planning & Zoning Conference in Concord was very worthwhile, with lots of good information collected. Logan reported that several seminars she attended made the point that the variance option is there to provide a safety net for the town. Tests for "hardship" variances in recent court cases have included taking into consideration the unique setting of the property involved. Limmer said that the seminar he attended on preserving old barns was excellent, and there's an application process available through the Selectmen's office.

Limmer asked about setbacks on the house that was recently built by the dam in South Chatham. B. Briggs said that the owner was allowed to build on the 14x28 footprint that already existed.

Logan reminded members that old minutes (1999-4/02) need to be updated and suggested that a work session with Jim Diegoli be scheduled for that, too.

There being no further business to discuss, Lounsbury moved that the meeting adjourn; Limmer seconded. The meeting adjourned at 8:30 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

May 29, 2003

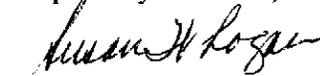
Present: W. Infinger, S. Logan, A. Lounsbury, K. Limmer
Absent: P. Straw, B. Pitman, B. Briggs, W. McAllister (alternate)

A special meeting was called to order by Chair Infinger at 6:00 p.m. Notice of the meeting had been duly posted at the Town Office, Town Hall, and the kiosk in South Chatham. R. Briggs participated in the meeting as a community volunteer.

Work was begun on the subdivision regulations, specifically Sections I and II (Authority and Purpose and Definitions, respectively.)

The meeting adjourned at 8:20 p.m.

Respectfully submitted,



Susan Logan, Vice Chair

June 10, 2003

Present: W. Infinger, B. Briggs, A. Lounsbury, P. Straw, S. Logan
Absent: K. Limmer, B. Pitman, W. McAllister (Alternate)

Chair Infinger called a work session meeting, duly noticed, to order at 6:05 p.m. Community volunteer Ron Briggs also attended. Logan joined the meeting in progress. Work continued on revising the Definitions section of the Subdivision Regulations.

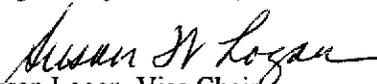
At 7:00 p.m. Chair Infinger called the regular monthly meeting to order. Town resident Steve Oppenheim joined the meeting at this time. Lounsbury moved that the April minutes be approved as written; Straw seconded. So moved. Infinger requested that the agenda be advanced in order that all Planning Board members present could take the Oath of Office as required in Article 84, I-B, of the New Hampshire Constitution. The Oath was administered by Town Clerk and Notary, Trish Pitman.

Logan read the most recent revisions to the Board's Rules of Procedure. She then distributed an information sheet to accompany Abutter's Notices, in which the duties of the Planning Board are explained. She moved that these notices accompany all Abutter's Notices sent by Chatham in the future. Lounsbury seconded. So moved.

At this time Oppenheim asked if he could update the Planning Board on the status of his appeal and read a letter from Punskey's attorney to Oppenheim's attorney, Randy Cooper. He was advised that the case had been dismissed with prejudice in favor of the Town of Chatham. Logan provided copies of Carroll County Superior Court's "Notice of Decision," dated 12/30/02 as well as the letter from Town Attorney Dewhurst, dated 1/21/03, advising the Town of the court's decision. There was discussion on the good faith efforts that the Board has made in the last six months to become more informed (Planning & Zoning Conference, NH Municipal Association publications, etc.), and the work that is being done on the subdivision regulation revisions. Infinger reiterated that he welcomes participation and said that he wants the final product to be one that many Chatham residents have had input into. Oppenheim said that his appeal update was secondary to wanting to note a couple of areas that had been problems for the Planning Board in the past, specifically road frontage and illegal subdivisions. Infinger said that his comments had been duly noted. He asked if there was any further business. There being none, the Board returned to working on the Definitions section of the regulations, and completed that section.

A work session was scheduled for June 24, from 5:00-7:00 p.m. Logan to post notices. Logan moved that the meeting be adjourned, Lounsbury seconded. The meeting adjourned at 7:55 p.m

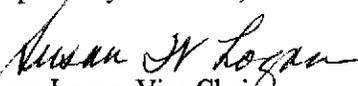
Respectfully submitted,


Susan Logan, Vice Chair

June 24, 2003

A work session meeting was called to order by Chairman Infinger at 5:00 p.m. Logan and Lounsbury were the only other members present. There being no quorum, no business was conducted, but work continued on the subdivision regulations revisions. Logan to send the "Definitions" section and the proposed road requirements from the model set of regulations to Attorney Dewhurst for review and comment. The meeting adjourned at 6:45 p.m.

Respectively submitted,


Susan Logan, Vice Chair

July 8, 2003

Present: S. Logan, A. Lounsbury, P. Straw, and W. McAllister (Alternate)

Absent: W. Infinger, K. Limmer, B. Briggs, B. Pitman

Vice Chair Logan called the meeting to order at 7:00 p.m. Straw moved that the June minutes be approved as written; Lounsbury seconded, so moved.

Logan distributed a letter from Steve Oppenheim that she had received via email on 7/7/03 in which he asked to be informed on "which items referenced in the December 19, 2002, agreement will not be completed by September 30, 2003." Logan reported that she had forwarded a copy of the letter to Attorney Dewhurst for reply.

Logan read a letter that was sent on 7/7/03 from the Selectmen to Don Devine and copied to Gary Punsky. It stated that because a date of completion for Charles Road had not been specified by the Planning Board, it is up to the discretion of the Selectmen to determine when the road shall be completed. It then referenced RSA 676:12IV: *No building shall be used or occupied prior to the completion of required streets and utilities.* It concluded by stating "We therefor (sic) expect that Charles Road will be completed, as specified in the approved subdivision plat, prior to your occupancy of the building."

A discussion followed on whether or not the Selectmen should have sent that letter without further discussion with the Planning Board. Lounsbury explained that there had been considerable discussion at recent past Planning Board meetings regarding whether or not a waiver of the road requirements could and should be made in the interest of protecting one of the most scenic areas in North Chatham. Logan read excerpts from the April, then May, Planning Board minutes in which the road was discussed at length. Compliance of the road requirements was at the discretion of the Town, but the Planning Board had tabled the matter for further discussion. McAllister explained that the Selectmen believed action was required because the road was part of the plat that was approved and that, when called, the Municipal Association had referenced the RSA that they used in their letter. Once Devine's property was occupied, the Town would no longer have a way to force compliance of the road requirement without incurring legal fees. There was further discussion, but no consensus was reached by Planning Board members present as to whether or not the Selectmen's letter should have been sent at this time. Logan suggested that, in the future, Planning Board requests of the Selectmen be made formally to avoid any miscommunications. McAllister agreed that would be a good idea. There was also a short discussion on the question of the road bond and who has responsibility for the bond, the Planning Board or Selectmen.

Logan reported that there is a Fall Planning & Zoning Conference scheduled for Saturday, October 25, at Plymouth State College. No agenda details are available yet. She will try to get details to report at the next meeting.

The most recent revisions to the By-Laws and Rules of Procedure were read for the record. Lounsbury moved and Straw seconded that the By-Laws and Rules of Procedure be adopted.

So moved. Pursuant to RSA 676:1, the document was adopted by majority vote.

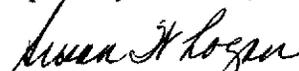
Logan asked about scheduling another work session for the Subdivision Regulations. She had sent Attorney Dewhurst a copy of the proposed revised sections that had been completed to date, but he had been on vacation so wasn't able to review in time for tonight's meeting. Infinger had suggested a morning meeting, and a session was scheduled for Monday, July 21, from 8:00-10:00 a.m. Logan to notify other members and Ron Briggs and to post notices of the meeting.

McAllister distributed excerpts from "A Hard Road to Travel" which addressed using land use regulations to prevent growth. Logan distributed another set of "Planning Board Frequently Asked Questions," and reminded members that the Office of State Planning web site, www.state.nh/osp contains all its Technical Bulletins and a wealth of other current information that can be downloaded directly from the site.

McAllister discussed the Rose property and concerns about the status of the road there. It's a Class VI road now, but would have to be upgraded to Class V in order to sub-divide the property. He wondered if there is some way of allowing Rose to build to Town specs in order to satisfy the regulations but not having the Town be responsible for maintaining the road. It's the Selectmen's decision, but he wanted the Planning Board's input. A short discussion followed, and all agreed that Attorney Dewhurst should be consulted.

There was no further business. Straw made to motion to adjourn. Lounsbury seconded. The meeting adjourned at 7:55 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

September 9, 2003

Present: S. Logan, B. Briggs, A. Lounsbury, P. Straw, and W. McAllister (Alternate)

Absent: W. Infinger, K. Limmer, and B. Pitman

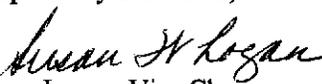
Vice-Chair Logan called the meeting to order at 7:00 p.m. Lounsbury moved that the August minutes be accepted as written; Straw seconded, so moved.

Under Communications, Logan reported that registration material from the OSP Fall Conference had been received. The seminars offered this fall appear to be very basic, and, because of conflicting schedules, it seems unlikely that any members present would be able to attend. Logan also reported that Infinger had spoken at length with attorney Peter Rotch from the McLane law firm in Concord, recommended by Dewhurst for consultation on the Devine road situation due to Dewhurst's conflict of interest in this case. Based on Infinger's discussion with attorney Rotch, related via email, it was decided that Logan will write a letter to Devine on behalf of the Planning Board, asking him to attend our regularly-scheduled October meeting to discuss the status of his road. In the future, the Planning Board will require that all roads be bonded as that is our enforcement tool. Also, agendas will be included in the public meeting notices from now on.

Work continued on the subdivision regulations. Logan to have final revised set of Definitions, as well as more roads' text for the next work session meeting, which will be held on either September 23rd or 25 at 6:00 p.m.

There being no other business, Straw moved that the meeting adjourn; Lounsbury seconded. The meeting adjourned at 7:45 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

September 23, 2003

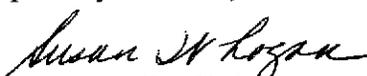
Present: A. Lounsbury, P. Straw, S. Logan

Absent: W. Infinger, K. Limmer, B. Briggs, B. Pitman

Chairman Logan called the work session to order at 6:00 p.m. Work continued on the subdivision regulation revisions, but no business was discussed.

The meeting adjourned at 7:45 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

October 14, 2003

Present: W. Infinger, S. Logan, B. Pitman, and W. McAllister

Absent: K. Limmer, A. Lounsbury, P. Straw

Chairman Infinger called the meeting to order at 7:00 p.m. McAllister made a motion to accept the September minutes as written; Pitman seconded.

McAllister reported that B. Briggs has resigned as the Selectmen's representative to the Planning Board. McAllister is now that member instead of an alternate.

Logan reported that she had received a call re: the status of the Antell property in North Chatham. Is an illegal subdivision being created? McAllister said that his understanding is that the camp would come down when the house is completed. Either way, one half of the property couldn't be sold because it couldn't be subdivided. After some discussion, the Board concluded that enforcement is between the Town and State, specifically relating to septic systems, and unless both dwellings were being inhabited, there is nothing to do at this point.

Town Clerk Trish Pitman administered to Oath of Office to member B. Pitman.

Under Old Business, Don Devine appeared before the Board per our request in a letter sent to him on 9/12/03 to discuss the status of his road. Infinger explained the Board's position: a road built to Town specifications is needed in order to meet the frontage requirements of our subdivision regulations and that Devine is in violation of the approval until the road is built.

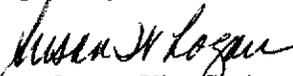
Devine said that he is prepared to meet the requirements, but he had hoped that if the Town regulations changed before the road was completed, he could come back before the Planning Board and submit road plans under the new regulations. Devine referenced the letter sent from the Selectmen on 7/7/03 and said that he would build a road by June 30 before he moved into the house in July, with the caveat that he is at the mercy of his contractors, and he would build it to Town specs if required. He reminded the Board that the road will be used as a driveway for two seasonal homes and said that in his opinion the Planning Board should be doing things in the best interest of the Town, not strictly by the book. He repeated that he's asking for the flexibility to come back before the Board the

resubmit plans for any as-yet unconstructed roads if the regulations change. Infinger said he could certainly do that, but also said that the Board's position would not necessarily change, that we had received legal counsel, advising us that the road requirements should be enforced. Infinger suggested a letter from our Town attorney be drafted and sent to Devine for his signature that would reiterate the understanding between the Planning Board and Devine. It was agreed that Devine would email Infinger with points that he wanted included in the letter and that Infinger will contact the Town Attorney re: a letter between the Planning Board and Devine.

Logan reported that she has had several conversations with Attorney Dewhurst regarding the changes made to the subdivision regulations to date and discussions about where to go from here. Dewhurst references Conway's Subdivision Regulations frequently, because they have just been updated this year at a cost of many thousands of dollars, and they are current with all the RSA revisions and court cases. Between the model subdivision regulations recommended by NHOSP, and the Conway regulations, Logan said that she could put together a complete, revised document for the Board to review and move forward with scheduling a Public Hearing. She said that fine-tuning and revising the regulations could and should be an on-going process but expressed frustration at the pace with which the revisions are proceeding - through no one's fault, but Chatham doesn't have to reinvent the wheel when it comes to regulations. Infinger agreed that the Planning Board needs to get revised regulations approved as soon as possible and move forward. Logan to work on a document and hopes to have a final draft to everyone for review prior to the November meeting.

There being no further business, Infinger moved and Pitman seconded that the meeting be adjourned. The meeting adjourned at 8:05 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

November 11, 2003

Present: S. Logan, W. McAllister, K. Limmer, A. Lounsbury, P. Straw
Absent: W. Infinger, B. Pitman

Vice Chair Logan called the meeting to order at 7:00 p.m.

The section concerning reference to M. Antell's housing status in the October minutes was questioned and discussed. McAllister reported that, at this point, Antell's new house is just a shell, and the camp is still the only residence on the lot, so no local or state statutes are being violated. Lounsbury made the motion to accept the minutes as written; Straw seconded. The minutes were approved.

Under Communications, Logan read an email that D. Devine sent to W. Infinger on November 3, in which he reiterated the statements that he had made previously: he has received notification from the Selectmen that he may not occupy the house that he's building prior to the completion of Charles Road; he requested a copy of the road requirements; and he stated again his intention to come before the Board again if new regulations are adopted prior to his road's construction that would permit a lower impact road.

Logan reported that she had received a call from Wink Lees of the Upper Saco Valley Land Trust regarding Punsky's application for a conservation easement on his land in North Chatham. Lees requested a copy of the Master Plan, which she sent, then called to say he had everything the Trust need to proceed.

Logan also reported that she had received a call from J. Diegoli, asking her to report to the Board that he is considering building a 4-unit retirement home at the corner of Beach Road in South Chatham. He wanted input from the Board on such a project. There were several questions regarding what would be done with the remaining lots.

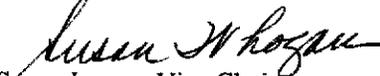
Concerns were voiced, because at the Public Hearing on his subdivision (2/11/03), Diegoli had stated that, if anything is built at all, he would put up single family homes with setbacks, etc., because he wanted to be a low impact neighbor. There were concerns about its possible future use: that, if a multi-unit building was constructed now, it might be converted into an apartment building at some point. The discussion ended with everyone agreeing that Diegoli could do with his land what he wanted, but such a project would not be in keeping with his representation to the Board and the Public earlier this year of his plans for that property.

Under Old Business, Logan distributed sections from the proposed Subdivision Regulation revisions for discussion. She will email the (almost) complete document to all Board members in the next week. A copy will also be sent to Tom Dewhurst and the North Country Council for review. Plans were tentatively discussed for a Public Hearing on the revised regulations to be scheduled for the February meeting of the Board.

NH Municipal Association' *Town & City* fall publications were divided among the members to read.

There being no other business, Limmer made the motion to adjourn; Lounsbury seconded. The meeting adjourned at 8:20 p.m.

Respectfully submitted,



Susan Logan, Vice Chair

December 9, 2003

Present: W. Infinger, S. Logan, W. McAllister, A. Lounsbury, P. Straw

Absent: B. Pitman, K. Limmer

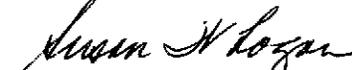
Chair Infinger called the meeting to order at 7:00 p.m. Lounsbury made the motion, seconded by Infinger, that the November minutes be accepted as written.

There were no new communications. Under Old Business, Infinger reported that he had received an email from Don Devine recapping his agreement with the Town but no specific language was included to submit to our attorney. Infinger's recommendation was that, because the Selectmen have already sent a letter to Devine, the Planning Board take him at his word and not incur additional legal fees on this matter. The rest of the Board agreed.

The remainder of the meeting was spent on going over proposed revisions to the subdivision regulations, based on recent input from Tom Dewhurst.

Straw made the motion to adjourn the meeting; Infinger seconded. The meeting adjourned at 9:05 p.m.

Respectfully submitted,



Susan Logan, Vice Chair

January 13, 2004

Present: W. Infinger, S. Logan, K. Limmer, A. Lounsbury, W. McAllister
Absent: B. Pitman, P. Straw

Chair Infinger called the meeting to order at 7:00 p.m. Infinger moved that the November minutes be accepted as written, Limmer seconded.

Under communications, Logan reported that she had received a copy of the recorded Conservation Easement Deed granted by Gary and Sarah Punsky to the Upper Saco Valley Land Trust, dated 12/23/03. Logan also reported that she had received a call from Henry Wardwell concerning a proposed minor subdivision of the Wardwell Farm in North Chatham involving a lot that had originally been owned by Harry Eastman, separate from the farm, but which had been joined to the farm via a boundary line adjustment 6-7 years ago. The Wardwells want to subdivide the lot back out again.

Under Old Business, there was further review of the proposed revisions to the Subdivision Regulations. Discussions included waivers and whether or not to include provisions for Back Lots. Because of Town Meeting, the Planning Board meeting in March was scheduled for Tuesday, March 23, at which time a Public Hearing on the proposed; revisions also will be scheduled.

Under Other Business, McAllister reported that the Selectmen would like to include the proposed revised regulations in the mailing of the Town Report prior to Town Meeting. The mailing will take place before the end of February, and the Planning Board agreed that including the regulations would be a good way to get them in the hands of the townspeople.

Logan reminded members that there will be another educational program this spring, sponsored in part by NH OSP. She will get information on the schedule and program for the next meeting.

Lounsbury made the motion, and McAllister seconded, to adjourn the meeting. There being no further business, the meeting adjourned at 8:30 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

February 10, 2004

Present: W. Infinger, S. Logan, A. Lounsbury, W. McAllister, P. Straw
Absent: K. Limmer, B. Pitman

Chair Infinger called the meeting to order at 7:00 p.m. Infinger moved that the November minutes be accepted as written, Straw seconded.

Gary Punsky appeared and requested a few minutes of the PB's time. Logan made a motion to move the agenda to accommodate Punsky; Lounsbury seconded. Punsky spoke about his conservation easement that had recently been recorded and wanted to talk about waiving some of the road requirements in order to protect his land's scenic vistas and because the land cannot be further subdivided. Infinger said that he was speaking for himself and that everyone wants to preserve open space, but he reminded Punsky that the subdivision application was approved in 2002 based on a road being built to satisfy the Town's road frontage requirements. Logan stated that, in any case, Punsky would have to file a formal waiver request, and any action would now come under the proposed new regulations. She suggested that he attend the Public Hearing on the proposed revisions to the subdivision regulations, decide how or if he wants to proceed, then request to be included on the agenda of a regular monthly meeting.

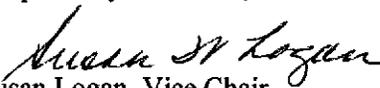
Under Old Business, the subdivision revisions were reviewed further, and there was considerable discussion on the merits of including a section on "Back Lots." Logan had spoken to both the Office of State Planning, which advised that such an exception could come under our planning regulations, even without zoning. Language was submitted for OSP's review, and Tom Dewhurst had made some suggestions, too.

Under Other Business, Logan reported that the State Planning Conference is scheduled for Saturday, May 8th, at the Center of NH in Manchester. No program details are available yet.

Infinger reported that he had had no further communication with/from Wardwell, and neither had Logan.

Infinger made the motion, and McAllister seconded, to adjourn the meeting. There being no further business, the meeting adjourned at 8:55 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

March 23, 2004

Present: W. Infinger, S. Logan, A. Lounsbury, W. McAllister, and P. Straw
Absent: K. Limmer, B. Pitman

Chair Infinger called the meeting to order at 7:03 p.m. Logan made the motion to advance the agenda to put the Public Hearing first on the agenda; Lounsbury seconded. Motion passed.

About 15 people attended the Public Hearing on the revised Subdivision Regulations. Infinger began the meeting by asking if there were any questions. Gary Punsky said that he had no questions, but wanted to commend the Planning Board for its efforts. Logan reported that there had been no changes to the Town's subdivision regulations since they were revised and adopted in 1987. The current revision has been an 18-month process, and the proposed document has been reviewed by North Country Council, by Town Counsel Tom Dewhurst, and the New Hampshire Office of Energy & Planning. In addition to the Planning Board's work, numerous sets of expert eyes have reviewed and offered input.

Jayne Britton asked if most of the updates are on definitions. Infinger explained that the document has been expanded throughout, in "Definitions," procedures in general, and especially on the roads' section, thanks to much input from Ron Briggs. Logan added that the major requirements for subdivision were the same and explained that the previous minimum lot size of 126,00 square feet had been rounded off to 3 acres, and that the 300 feet of road frontage is still required. She explained that the new section "Back Lot Exception" had been added to allow landowners the ability to develop back-land areas while still maintaining their rural character, without having to build a Town road to create frontage, which could encourage further development. There was some discussion on Waivers, and Infinger said that the new language makes clearer what is and is not allowed, which will result in fair and equitable treatment of all applications. Cathy Kyle asked about grandfathered lots and whether or not they can be developed. McAllister said that, if there's a deed to the lot, then it's a lot of record, and that if DES allows a septic system on the lot, then it's a buildable lot.

Infinger reported that he had been approached in recent months by several town residents who wanted smaller lot size minimums in town. He asked the public in attendance for opinions. Punsky said that 3 acres, 300' road frontage is not unreasonable. Ted Barrett said that a few years ago, a proposal was put to a vote at Town Meeting to reduce minimum lot size to 2 acres, and it failed to pass. Infinger asked about having zoning in Chatham, and opinions were mixed. Barrett brought up the scenario of a second dwelling on a single lot, which resulted in discussion on whether or not this should trigger subdivision review. Don

Devine said that subdivision has to do with subdivision of land, not buildings. The question was asked, If a town doesn't have zoning, can the town restrict the number of buildings on a lot? Wayne McAllister said when someone asks that question, the answer should be "yes" or "no," and Infinger reported that the Planning Board needs to further research that issue before adopting the revisions. Barrett asked about possibly reducing the amount of road frontage, but others present thought the current road frontage provisions should remain. Don Devine said that with the exception of the "subdivision" definition, he commended the Planning Board on a job well done. Logan made the motion to end the Public Hearing, Lounsbury seconded. The regular monthly meeting resumed.

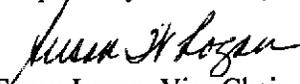
Straw made the motion to accept the February minutes as written; Lounsbury seconded. The minutes were accepted.

Logan reported that the State Planning Conference Program details were now posted on the State's web site, www.nh.gov/oep. The conference will be held on Saturday, May 8, at the Center of New Hampshire in Manchester.

She reported that she had received emails from Ted Barrett on the question of multiple dwellings on one lot and that his question had been addressed in the public forum, pending further research. Infinger to contact Concord attorney Rotch or one of his associates to get a second opinion on our wording of "subdivision" definition.

There being no further business, Lounsbury made the motion to adjourn; Straw seconded. The meeting adjourned at 8:10 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

April 13, 2004

Present: J. Britton, B. Farnham, S. Logan, A. Lounsbury, W. McAllister, P. Straw

Absent: W. Infinger

Acting Chair Logan called the meeting to order at 7:03 p.m. and introduced new Board members, Jayne Britton and Bob Farnham. Town Clerk Pitman swore both in. Karl Limmer and Tom Stryker will be alternate members of the Board.

Straw made the motion, seconded by Lounsbury, to accept March minutes as written. The minutes were accepted.

Under Communications, Logan reported that she had had a call from Henry Wardwell regarding the status of his subdivision. He was told that there was no status to report since the application received from him in January had been incomplete. He would now fall under the revised regulations, assuming that they are adopted. Logan to follow-up with Wardwell.

Logan also reported that she had had a call from Wink Lees of the Upper Saco Valley Land Trust, asking about the status of the revised subdivision regulations. He would like to meet with the Board at some point to offer input and assistance on land planning issues.

Logan opened the discussion on the revised subdivision regulations by referencing Tom Dewhurst's letter to the Board date 4/12/04 in which he offered an opinion on the number of dwellings that can be built on a single lot. A person wishing to build a second building on that lot would trigger subdivision review, but only to consider the proposal in the context related to the "protection of the health, safety, morals, and general welfare of the community." If the Applicant can get the required permits from the State, and if there are no community issues, then Chatham cannot impose the equivalent of zoning restrictions on an

application, since there is no zoning ordinance in Chatham. Logan suggested that the subject of zoning is one that the Planning Board should consider in the future as to whether or not it makes sense for Chatham. Zoning ordinances must be voted on at a Town Meeting.

McAllister asked if roads must be completed before lots in a development are sold. After discussion, it was agreed that the sections "Revocation of Planning Board Approval" and "Performance Guarantee" in the revised regulations would protect the Town on this question.

McAllister asked to review culvert requirements in Section III of Appendix B, Driveway Standards. He suggested adding "ridged plastic culvert or other newer technology, acceptable to the Board" to item F in that section. After some discussion, the Board agreed this would be a good idea.

McAllister also raised concerns about the Back Lot Exception in the revised regulations. His concern is that the proposed wording would allow an Applicant to have a back lot remain in Current Use, except for a small amount of land taken out to build on. As a Selectman, he feels that it would not be in the Town's best financial interests to keep land in Current Use. Logan said that the Planning Board had not considered tax-base interests but rather aesthetic and growth issues when including this section. She said that, in her opinion, the Board could not eliminate the section altogether since it had been included in the proposed regulations that had been mailed in the Annual Report and had been discussed at the Public Hearing. She said that the regulations should not be a static document and that the Board would continue to update and revise them as issues and questions came before the Board. She said that the Town is now in limbo, between the old/current regulations and the new/revised regulations and that the Board can adopt the revised regulations now and continue to consider the Back Lot Exception. Britton volunteered to research the number of lots in town that potentially could meet the Back Lot Exception requirements. There was discussion on limiting the maximum back lot acreage to 9 or 10 acres, with the Board divided on whether this was too restrictive or would be an acceptable compromise in order to vote on the revised regulations at this meeting. Logan called for a vote on the Back Lot section. Lounsbury made the motion to leave Section VIII as is, Logan seconded. The motion failed. McAllister made the motion to leave the back lot minimum at 6 acres but to add "and a maximum of 10 acres" to the current wording; Farnham seconded. The motion passed with 4 in favor, 1 against, and 1 abstention.

Logan discussed changes to the regulations that had been suggested by Town Counsel since they were published for public review. Most had to do with wording changes, i.e. "may be required" instead of "as applicable." The one section that had changed significantly is Section, IX, Revocation of Planning Board Approval. Instead of just referencing the RSA involved, Dewhurst recommended that the details from the first draft of the revised revisions be re-inserted into this section to explain the circumstances under which Planning Board approval can be rescinded. Logan distributed copies of that section as re-written. Logan also recommended that the phrase "or actual cost, whichever is higher" be removed from Appendix D (Fees) because fees must accompany an application for it to be considered complete, and that phrase would make it difficult for applicants to know the exact amount due the Town. The Fee Schedule can be revised as necessary to reflect increased costs on postage rates, recording fees, etc.

Logan distributed copies of the new Application and Waiver forms, which were revised based on suggestions and input from Dewhurst's office. The new Application form includes the fee schedule.

Lounsbury made the motion to adopt the revised Subdivision Regulations for the Town of Chatham, with the changes discussed at tonight's meeting; Straw seconded. The regulations were adopted with 5 in favor and 1 abstention.

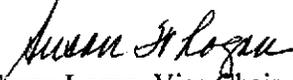
Logan distributed information on the State Planning Conference to be held on May 8th in Manchester.

Under Old Business, Don Devine appeared before the Board to request a Preliminary Conceptual Consultation concerning the road to be built on his property in North Chatham. Since the road has not yet been built, he would like to apply the road design standards as required in the now-adopted revised regulations. He stated that there would be no change in where the road goes, no change in boundaries; he

just wants to change the width. He asked for advice since he can't move into his house until the road is built. He stated that, if the Board is concerned about legal complications as a result of granting a waiver, he is prepared to hold the Town harmless and pay for the defense of the Planning Board's decision in the event of litigation. Logan said, speaking for herself, she is concerned about the threat of litigation, based on events of past 18 months, and she's also concerned about fair and equitable handling of waiver requests. She said that the newly-adopted regulations detail under what circumstances Waivers may be granted by the Board and that Devine's first step would be to complete the form and return it to the Board. Because he wants to appear before the Board again at the May meeting, she requested that he return the completed form to her by the end of the month so that the Board has time to request a legal review of same. She said that the cost of this legal review would be Devine's responsibility, and he agreed. Straw also requested that Devine provide a 16' road overlay to the existing plat for review at the next meeting. Devine said that he would ask Ron Briggs to prepare same and to represent him at the next meeting.

There being no further business, Straw moved, Lounsbury seconded, that the meeting adjourn. The meeting adjourned at 8:55 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

May 11, 2004

Present: W. Infinger, J. Britton, B. Farnham, S. Logan, A. Lounsbury, W. McAllister
Absent: P. Straw

Chair Infinger called the meeting to order at 7:00 p.m. Lounsbury moved, Farnham seconded to accept the April minutes as written. So moved.

Under Communications, Logan reported that she had received the Waiver Application on road specifications from Don Devine. He wants to construct the road according to the newly adopted regulations instead of following the old regulations under which he was approved. The application was forwarded to Town Counsel Dewhurst for review, and he advised that a waiver cannot be considered independently of the subdivision process. In order to apply for a waiver, both Devine and Gary Punskey, as owners, would have to reapply for a minor subdivision to make sure that the project complies with the current regulations. The Board could have an expedited review process and hold the Public Hearing, accept the application, and vote on same all at the June meeting, but the completed application would have to be received by May 18th in order to meet the deadline for consideration at that meeting. Gary Punskey attended the meeting, and there was some discussion on whether or not construction on the road could start prior to the next meeting. Logan will follow-up with Devine.

Also under Communications, Infinger asked if anyone had any questions on the letter from Ted Barrett, who had written to express concern that, after the Public Hearing, the wording had been changed in the Back Lot Exception section of the newly adopted regulations to limit the lot size to a maximum of 10 acres. McAllister stated that Barrett was wrong in how he described the effect of the change on Current Use property. Punskey stated that he, too, was extremely disappointed that the Planning Board had made this change after the Public Hearing, and after the regulations had been published in the Town Report. Infinger stated that, such is the power of the Planning Board, we could hold a Public Hearing, get input from everyone, and vote just the opposite of town sentiment. Public Hearings are for input only and don't legally bind the Planning Board. He said this is one reason why he would be in favor of elected Planning Board members. He also said that the regulations are a work in process, and that we will continue to review the document and make changes as needed. Logan stated that the Planning Board is required to hold a Public Hearing before making any changes now that the regulations have been adopted, and after considerable discussion, the Board agreed to continue to gather input, that this will be an ongoing issue.

Infinger said that he had acknowledged receipt of Barrett's letter and that it has been taken under advisement; no further reply is necessary.

Under Old Business, Logan explained that, according to the By Laws/Rules of Procedure, the election of officers should have taken place at the first meeting after Town Meeting. McAllister moved to re-elect the current officers; Lounsbury seconded. Infinger said that his intent is to step back from such an active role in the Planning Board because of increased work demands but that he wouldn't do that right away. He would agree to continue in his role as Chair and long as it was understood that he couldn't make all the meetings. Infinger was re-elected Chair, and Logan was re-elected Vice Chair for the coming year.

Logan reported that copies of the newly-revised regulations had been sent to the NH Office of Energy & Planning, the North Country Council, and to attorney Dewhurst. Each Board member also has a copy. She said people who want to subdivide have two options for getting the new regulations: they can order a set at \$10 each from the Town, or they can be requested via email as a Word document at no charge. She also reported that she had heard from Henry Wardwell and that he will be proceeding with a minor subdivision. She emailed him a set of the new regulations, along with an Subdivision Application.

Under Other Business, Britton reported on the state Planning Conference in Manchester that she attended on May 8th on behalf of the Planning Board. She said that she had been very impressed with the sessions and reviewed with the Planning Board some of the issues raised:

- With 3-acre minimum, does that count non-buildable land? Should there be a minimum amount of buildable land included in the requirement?
- "Acceptable Realities:" the Planning Board needs to look at everything in the context of today and the impact on the future
- Planning Board should be planning, not just taking applications, which led to a brief discussion on what the planning responsibilities of the PB are and whether zoning, a simplified version of it, should be discussed with the Town at some point

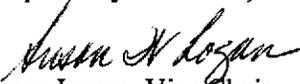
Britton also reported that a number of procedural issues were addressed: how record-keeping is very important; how incoming mail should be dated, and Logan reported that she had just bought a "Received ____" stamp.

Britton reported that, following up on her offer last month to begin researching Current Use properties, the very first property she saw involved a piece of land whose fair market value is \$246,500, but the owner is paying taxes based on a \$40,852 valuation. She said the Planning Board's scenario of a large land owner carving out a smaller lot for a family member would not be typical, nor was financial hardship in the cases of most of the land in town that's under Current Use. She also reported that, according to information published in a WMNF bulletin, 88.2% of Chatham is either National Forest or in Current Use.

Logan distributed copies of *Town & County*.

Britton moved, Lounsbury seconded to adjourn the meeting. There being no further business, the meeting adjourned at 8:10 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

June 8, 2004

Present: W. Infinger, S. Logan, B. Farnham, A. Lounsbury, W. McAllister, P. Straw
Absent: J. Britton

The meeting was called to order at 7:00 p.m. Straw made a motion to accept the April minutes as written, Farnham seconded. The minutes were approved.

Logan reported two communications from North Country Council: information on a "Managing Growth" seminar on June 17 at 2:00 in Franconia, and the NCC's Annual meeting, to be held in Whitefield on October 14th. She will include the October information in the minutes' mailing.

Infinger opened discussion on the Punsky/Devine subdivision application. The only change on the new plat compared to the plat previously approved in the road width (16' vs. 22'). Farnham asked how long the road is, and Ron Briggs said 231 feet and that, for frontage purposes, the cul-de-sac is used. Farnham asked if this would be a Town Road, and McAllister said that the Town would have to vote to accept it first. There was further discussion on the road frontage, and Briggs said that Lot 3.1 has 330.68' of frontage, and Lot 3.2 has 327.64' of frontage. Road right-of-way is how the frontage is calculated.

McAllister asked for clarification on whether or not the application was complete since only Devine had completed the form. Logan pointed out that there was a faxed signature page from Punsky, which had been stapled to the form. She reported that signature cards from all abutters had been returned and that a revised plat had been submitted, along with fees.

Infinger stated that this Planning Board can't undo what the previous Planning Board had done and that an approved subdivision was on record. The question is, he said, is this a material change to the previously-approved subdivision. Lounsbury moved, Straw seconded that the application be accepted. The application was accepted. Infinger called the Public Hearing to order.

Lounsbury stated that, if Briggs' statement is correct about the right-of-way being considered as road frontage, then he would be in favor of a road with less impact. Steve Oppenheim asked how the Planning Board categorized the subdivision, as Minor or Major. If there are roads involved, it should be a Major Subdivision. The application is marked Minor Subdivision, but the plat is marked as a "2-lot, major subdivision." Logan said that error was her fault, since she had guided Devine through completing the application.

Oppenheim asked if, because this is a new subdivision, can he appeal it? Is the Planning Board starting all over again? McAllister stated that the Town has defended its decision once, and mistakes were made, and this application should not be approved if there's one chance that the Town would have to defend it again.

Don Devine stated that he is prepared to build a 22' road, but if the project meets the requirements under the new regulations, then it should be approved because a narrower road would have less impact on the land. Anyone can sue at any time for any reason. Infinger said that the Planning Board's decisions shouldn't be governed by the threat of legal suits and that the Planning Board should do what's right.

Gary Punsky said that Devine was told by the Planning Board that he had two years to build the road. McAllister clarified that one person on the former Planning Board had made that comment. Devine stated that the former Planning Board had also indicated that it might be willing to waive the road requirements altogether if the land couldn't be further subdivided. He stated that Punsky's land now had a conservation easement in place, and that he is in the process of getting one. Logan said that she was the former Planning Board member who had made that statement and that she was speaking for herself, not on behalf of the entire Planning Board. There was discussion on a possible conditional approval subject to legal review of the Minor vs. Major Subdivision classification. Infinger read from the Conditional Approval section in the regulations and stated that, if the majority voted to approve the application conditionally, he believed that the Planning Board is given that latitude.

Oppenheim questioned the definition of "Road Frontage" and the "and/or a road shown on a subdivision plan approved by the Planning Board." He asked if this would be a road approved under the old regulations, or the new. Infinger said that the approval would come under the current regulations.

Devine asked if anyone present might prefer a wider road, and Oppenheim said that he might, because of public safety reasons, he didn't know. He stated that the Planning Board had done an excellent job with

the new regulations, but that he doesn't want anyone to assume at this point that he's in favor of a narrower road. He may appeal the Board's decision again, he may not. He hasn't decided.

Elise Earl asked about the minimum road widths to serve two parcels. Logan stated that road width was being discussed because the proposed road was being used to meet road frontage requirements. If that wasn't the case, the parcels could just have a driveway. Earl asked about the turn-around and stated that she's against it and asked about making a longer road instead. She would like the road where it has been historically.

Oppenheim asked if the Planning Board is going to require a Performance Bond. Since this is a new application, the cost plus 15% would be put in a surety. There was some discussion on the time frame, since Devine already has a letter from the Selectmen advising him that he can't occupy the house until the road is built.

Infinger stepped down as a Planning Board member and spoke as a member of the community. He asked what was the best decision for the Town and for the abutters. The concerns and interests of the abutters are very important. He had also had discussions with a few people in town who are concerned about the road and how it's going to affect that field.

Oppenheim read from Section V-B under "Private Roads," which speaks to the applicant supplying the Planning Board evidence of legal responsibility and time schedules for road construction completion, as well as designating a procedure for ensuring proper maintenance of all private roads. Herb Eastman asked how high above grade would the road be? Briggs answered, "About 18 inches." Earl spoke to the placement of the road and how it affects her, as the nearest abutter and the person most effected by the project. She expressed concern about hikers using the cul-de-sac as a parking lot

Infinger stated that, with all respect, it's not the Planning Board's job to tell applicants where to build their road. Infinger stated that what the Board is being asked to do tonight is not detrimental to the Town and doesn't represent a major change in what was previously approved. The Planning Board's choice is (1) stick to the original approval and vote this application down, or (2) approve the application under the current regulations. He said that it would be a mistake to approve the application without first getting legal advice on our use of "Minor" instead of "Major." Farnham asked if the road would be private and public. It would be private. Briggs explained the process by which a private road can become a public road. As a private road, however, it could be gated. Punsky said that he was prepared to gate the road if it became a nuisance.

Infinger reiterated the Board's choices: table the vote until the next meeting, vote it down, or vote to accept it conditionally. Lounsbury said that the real issue isn't that it was noticed "Minor" vs. "Major," but that this issue was being used as a delaying tactic. After further discussion, Infinger asked to see a copy of the public notices, including the notice that was published in the Conway Daily Sun, and the abutters' notice. They didn't indicate Major or Minor, just described this as a "2-lot subdivision," so the Board felt that the "Minor Subdivision" category checked on the application was a minor administration error only and shouldn't affect consideration of the application.

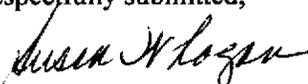
Infinger made the motion that all members in favor of accepting the plat as submitted raise their hands, Farnham seconded. The application was approved by unanimous vote of the Planning Board. Farnham moved, Infinger seconded, that the Public Hearing adjourn. The hearing adjourned at 8:35 p.m. Logan stated that she needed to amend the motion to include, "This vote supersedes and renders the old approval null and void." Infinger moved, Lounsbury seconded to add that wording to the motion to accept the application.

Under Other Business, Sean & Jennifer Garland and Julie & Harrison Hoyt appeared before the Planning Board for a Preliminary Conceptual Consultation on a proposed subdivision on Butter Hill Road. The 14-acre lot has 700+/- feet of frontage on the Town Road, the remainder of the road is Class VI. The applicants stated that there are only three potential building sites on the whole parcel. Infinger said that he

wants to look at the road in person and investigate further development on Class VI roads. Class VI roads aren't addressed specifically in the Planning Board's regulations, and development on Class VI roads is discouraged by both the State and the Town. Road Frontage in the regulations is defined as "the measured distance along a Class V or better highway and/or a road shown on a subdivision approved by the Planning Board." There was considerable discussion on how to subdivide by using the frontage available on the Town road and creating a common driveway. The applicants were advised to have the plat redone showing enough frontage on the Town road. Infinger to schedule a site inspection prior to the next Planning Board meeting.

Lounsbury moved, Straw seconded to adjourn the meeting. There being no further business, the meeting adjourned at 9:20 p.m.

Respectfully submitted,


Susan Logan, Vice-Chair

July 13, 2004

Present: W. Infinger, S. Logan, J. Britton, B. Farnham, A. Lounsbury, W. McAllister, P. Straw
Absent: none

Chair Infinger called the meeting to order at 7:00 p.m. Infinger advised the Board that, per our By-Laws, the order of business immediately after roll call is public hearings on subdivisions, but first the Board must vote on whether or not to accept the Garland/Hoyt subdivision application. Logan reported that notices had been posted, abutters' notices had been mailed out, and delivery confirmations had been received from all. Infinger called for a review of the Plat Check List from our subdivision regulations. All required items were submitted. Infinger made the motion to accept the application as complete, Straw seconded. The vote was unanimous to accept. Infinger called the Public Hearing to order. Infinger reported that, prior to the meeting, four PB members had inspected the lot being subdivided and that there was no obvious difference between the Class V and Class VI road as far as access considerations.

Julie Hoyt explained that Parcel 1 only has one good test pit area, and she pointed to a 25' wide sliver of land that the surveyor had taken out of Parcel 1 to create the required road frontage for Parcel 2. There was a discussion on the differences between Class V and Class VI roads as they relate to public safety issues. McAllister advised the applicants that they would have to petition the Selectmen to rebuild the Class VI road to Town specs at their expense, that this had been discussed at the last Selectmen's meeting which was attended by the Garlands and the Hoyts. McAllister clarified that building on Class VI roads only needs layout and approval from Selectmen; new roads require a Town vote. Without using the 25' sliver, the road would have to be upgraded to meet the frontage requirements. Hoyt asked if they could use the sliver for now to get approval, then at some point in the future come back for a boundary line adjustment to eliminate the irregular lot. There was considerable discussion on irregular lots. They are not governed by RSAs, but they are discouraged by the state. Infinger summarized that the PB has three options: require a rebuilt road, allow the use of the 25' sliver to create required road frontage, or grant a waiver. He recognized members of the public who wished to speak.

Steve Oppenheim said that this is not the usual and customary way to subdivide and asked about precedent. Infinger said that the sliver was created as a result of guidance that the PB gave to the applicants at last month's meeting, when they were asked to work with their surveyor to come up with the required road frontage. He asked "If we grant a waiver, would that change what's going to happen to that land?" Lounsbury said that the PB is making the applicants create that sliver of land. Farnham said, no, the PB isn't making them do that; they're choosing that option over rebuilding the road. McAllister said that there's only one other situation in Town where the road goes from Class V to Class VI but that it's mostly wetlands so would have limited development potential anyway. H advised that, in the event of a waiver, the applicants would have to sign the Selectmen's Class VI road form, which absolves the Town from responsibility if emergency vehicles can't reach the residence on the Class VI road. Carl Leszicka

said the PB could approve the subdivision with the condition that 300' of road be upgraded within a specified period of time. Infinger said the concern for future subdivision doesn't exist because most of the remaining land is National Forest. McAllister said that public safety issues were not a concern. Infinger read the waiver requirements from the subdivision regulations and said that he felt the applicants would meet the necessary requirements. There was discussion on the circumstances under which the PB can grant waivers, with Oppenheim questioning the appropriateness of granting waivers under the "hardship" clause; financial hardship (due to the cost of upgrading the road) was not acceptable under the law. Infinger and Hoyt countered that the hardship was created because of the unique physical characteristics of the site. Logan said that, in cases like this, common sense should rule, that the applicants have 14 acres that they want to divide in half. She agreed that they should meet the waiver requirements. Oppenheim asked about a waiver with the condition that the road be upgraded within whatever period of time. Straw asked the applicants if they had considered rebuilding the road, and they replied that they had not. He asked if they would consider rebuilding the road, and they said, yes, at some point. There was further discussion on waivers and when the PB should grant them. Infinger made a motion to grant the applicants a waiver (subject to the Waiver form being submitted), with no restrictions re: rebuilding the road. The motion carried, 6-1, with Britton voting against. Julie Hoyt completed a Waiver Request Form and submitted it to Infinger.

Leszicka asked about the precedent that the PB was setting in granting a waiver. There was further discussion on the PB's authority to grant waivers. Infinger made a motion to approve the Hoyt/Garland application; Logan seconded. The motion carried, 6-1, with Britton voting against. Logan advised the applicants that the state now requires a Mylar copy of the plat for recording in Ossipee, so they will have to bring the Mylar to the next meeting Infinger's signature. Logan moved that the Public Hearing end, Lounsbury seconded. The Public Hearing closed at 8:00 p.m.

Infinger introduced Ralph Jackson from Bergeron & Associates who was there on behalf of Henry & Diane Wardwell. He explained that Henry and Dot Wardwell's heirs own Baldface Farm in North Chatham. In 1996, there was a boundary line adjustment between Harry Eastman and the Wardwells so that 6+/- acres of Eastman's property became part of the Wardwell's farm. The heirs now want to subdivide so that the 6 acres is its own lot again. Because it's over 5 acres, no state subdivision is required. There was discussion on where the land is located and on the past boundary line adjustment. Jackson said there will be no clearing or cutting, that the existing right-of-way will be used to access the property. Wardwell plans to build a small cabin at some point. He asked if a full topographical survey would be required; basically, the land is flat with no water. Infinger asked what it costs to do a full contour, and there were other questions on the regulations' contour requirements for minor subdivisions. A possible discrepancy was noted between what is required in the regulations (contours at 5' intervals) themselves and what is on the Minor Subdivision Check List (nothing). Logan to get a clarification for the next meeting. The consensus of the PB was that, as our regulations are currently written with the Minor Subdivision requirements, contours are not required. Jackson to report back to Wardwell, and the PB will be advised as to how they wish to proceed.

Lounsbury made a motion to accept June's meeting minutes as written; Straw seconded. The minutes were approved.

Logan reported that, other than matter's relating to tonight's business, the only other communication had been from Jim Diegoli, wanting to be on tonight's meeting agenda.

Under Other Business, Britton asked about easements. Our subdivision regulations require that proposed or existing easements be shown on the plat, but how does the PB know if there are easements or not? Do we just take the applicant's word for it? Infinger explained that that's why a licensed surveyor's stamp is required on all plats; the surveyor is required by law to include easements. There was a discussion on whether or not contours should be included on all plats, not just major subdivisions. Britton said that, for the future, when people read Town records, it should be obvious from the information provided on the plat why an application was approved or denied and that possibly the PB shouldn't rely just on members'

knowledge of the land. Logan said that the regulations are a work in progress and the subject of contour requirements is something that we should probably research further.

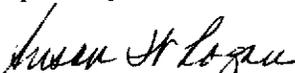
Logan brought up the subject of agendas and suggested that the PB establish a policy for getting on a PB meeting agenda. After discussion, it was agreed that 10 days' advance notice is required by anyone wishing to discuss business with the PB. This will insure that all business at hand is included on the Meeting Agenda that is mailed to all PB members a week in advance of each monthly meeting so that members are prepared for the meeting.

Leszicka asked to speak under Old Business and asked if Devine's road has been inspected and approved. He said that the road serves no purpose other than frontage and expressed concerns about the width of the road and whether or not the PB was following its own regulations. McAllister said that he's been up there, but it hasn't been approved yet. He said that he would ask Herbert Eastman to go with him and measure it, to make sure that it's in compliance. Leszicka then said that it's his understanding that at two earlier PB meetings, Devine offered to pay the Town's legal expenses if his application was approved and the Town was subsequently sued. He questioned the appropriateness of that offer. Infinger said that no money was taken from Devine, that the subdivision was approved, the matter is closed, and there is nothing further to discuss. Leszicka questioned whether or not the PB cares about the opinions of residents. Infinger said with all due respect, residents' opinions matter, but that the Planning Board isn't going to keep revisiting old business. In the future, this particular road scenario wouldn't happen because a bond would be posted for 115% of the projected cost of the road, and if the road wasn't built, the Town would call in the bond, and the bonds people would go after the applicant. Never again would a road be built after the fact. He repeated that the Planning Board is done talking about the Punsky/Devine application.

Clark Boyston from South Chatham asked to address the PB. He said that he was making inquiries about Old Town Road, now Hill Street, in South Chatham. He wanted to know if the Town has a list of town roads that have been abandoned and had questions on who owns such roads and is responsible for maintaining them. Britton suggested that he research his land at the Registry of Deeds, and he said that he had already done that without success. She suggested further that possibly the local Historical Society might be of help, or an attorney. He said he is trying to avoid costly legal expenses. Logan said that this doesn't fall under the authority of the Planning Board, and asked if anyone had suggestions beyond what had been made. No one did.

Logan made a motion to adjourn the meeting; Straw seconded. There being no further business, the meeting adjourned at 9:05 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

August 10, 2004

Present: S. Logan, J. Britton, B. Farnham, W. McAllister

Absent: W. Infinger, A. Lounsbury, P. Straw

Logan called the meeting to order at 7:10 p.m. Jim Diegoli appeared before the Planning Board to discuss his 2003 subdivision on Beach and Little Chatham Roads. He was proposing to either (1) subdivide the larger of his three lots, the one that abuts both Beach and Little Chatham Road, into two smaller lots or (2) adjust boundary lines to eliminate the boundary line between Lot # 2 (on Beach Road) and the part of Lot # 1 that's also on Beach Road. He would then create a new boundary line so that Lot #1 on Little Chatham Road is 3 acres, instead of 6+/-, and the former Lot #2 is now 6 acres+/- . He said that he hasn't decided what he's going to do with the Beach Road lots, that he had considered senior housing, but he doesn't have the necessary construction funds, plus he would have to ask for a waiver on road frontage since proposal #1 would involve building on a Class VI road. The unanimous opinion of the PB members present was that

he should go for the boundary line adjustment and forget further subdivision. He plans to do that, and the procedures for application submission were reviewed. He took an application with him.

Britton moved to accept the July minutes as written; Farnham seconded. The minutes were approved.

Logan reported that she had heard back from Chris Northrop at the Office of Energy & Planning regarding the apparent discrepancies between the Submission Requirements (Section V, pages 9-10 of the regulations) and the Checklist for Minor Subdivisions. His recommendation is that Section V be amended to list all the general submission requirements for any application, followed by the checklist which details additional requirements for a major subdivision. Section V would include only the minimum requirements needed in order for the Board to vote to accept an application, thus marking the start of formal review. He said that it's reasonable to not require topography for a minor subdivision but ask for it as needed once we review the plan and find that it's necessary. Until we amend the regulations (which should be done as soon as possible), we can grant waivers on the topo requirements for minor subdivisions. Another section that should be revised is Section IV, C-1 (page 6), which states that the completed application "shall be filed...at least 21 days before a regular meeting of the Board." This is more stringent than the State's RSA 676:4, which states that the applicant "shall file the application with the Board at least 15 days prior to the meeting at which the application will be accepted." Logan recommended revising our requirements to be consistent with the State's. She also reported that Susan Slack, attorney with the Municipal Association, was willing to meet with the PB to discuss Waivers. Logan will get some dates and times and try to schedule a meeting in Concord prior to the PB's September 14 meeting. Logan also suggested that the PB start to review the Master Plan, since it's been seven years since it was filed with the State and needs to be updated.

McAllister reported that the Town has been cited for several deficiencies for voter access to Town Hall and that the driveway must be paved prior to the State Primary on September 14. State and Federal laws require that polling places be accessible, and if the Town doesn't comply, then the Municipal Association will not defend us in the event of a law suit.

Britton moved and Farnham seconded that the meeting be adjourned. There being no further business, the meeting adjourned at 7:45 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

September 14, 2004

Present: W. Infinger, S. Logan, J. Britton, B. Farnham, A. Lounsbury, W. McAllister, P. Straw

Chair Infinger called the meeting to order at 7:00 p.m. Infinger said that the application on the Diegoli Boundary Line Adjustment would be considered. Logan reported that she had received the completed application and had notified abutters and duly posted the public notices. Infinger went through the Check List for Boundary Line Adjustments and called for a motion to accept the application as complete. Straw moved to accept the application as complete, Farnham seconded. The application was accepted as complete. Infinger opened the Public Hearing on Diegoli's application. There were seven members of the public present. A neighbor, Mr. McKinsey, asked why he hadn't received an abutter's notice, and Infinger read for him the definition of an abutter for notification purposes. McKinsey then asked if the land was going to be used for senior housing. Diegoli said he hasn't decided what he's going to do with the land yet. Several members of the public asked where the boundary lines had been previously, and "before and after" maps were shown. There were questions about development on a Class XI road, but they were not applicable; because of the way in which the land will now be configured, Diegoli has enough frontage on the Class V road. Infinger asked if any Planning Board members had questions, and Britton asked if the proposal was creating irregular lots. Diegoli's proposed boundary line adjustment actually creates more

regular lots. A member of the public, Mr. Desjardins, asked Diegoli what he's going to do with the land, and Diegoli repeated that he hasn't decided yet but that the lot on Little Chatham Road would be the most likely project in the near future. Logan stated that Chatham does not have zoning, and the Planning Board has no jurisdiction over what is done with the land once it's subdivided, assuming that the proper permits are received from the State. Britton made the motion, seconded by Straw, to approve the application as submitted. The application was approved unanimously. Diegoli said that he had not yet received State approval for septic, so he would drop off the mylar at another time. Britton moved, Farnham seconded, to end the Public Hearing.

Infinger introduced Ralph Jackson, who appeared on behalf of Henry Wardwell to discuss his Minor Subdivision application. Logan reported that the completed application had been received, public notices posted, and abutters notified. Jackson summarized the history of the Wardwell/Eastman lands and explained the previous subdivision. Infinger went through the Minor Subdivision Checklist, and several items were waived as not applicable. Britain made the motion, seconded by Lounsbury, to accept the application as complete. Infinger opened the Public Hearing at 7:35 p.m. There were no members of the public present. The plat was reviewed. Farnham asked about the water line to abutters' McCabe property, and Jackson pointed it out on the plat. It is an encumbrance on the property to the benefit of the McCabes. Infinger asked if there were any other questions, and there were not. Farnham moved, and Straw seconded, to approve the application as submitted. The application was approved by unanimous vote. Britton made the motion, Lounsbury seconded, to close the Public Hearing. The Public Hearing ended at 7:55 p.m.

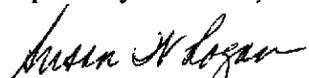
Under communications, Logan reported that she had received registration materials for OEP's upcoming Fall Conference. She will include them with the draft minutes.

Under unfinished business, Logan reported that NH Municipal Association attorney Susan Slack is willing to meet with the Planning Board in Chatham. Logan to coordinate some possible times with her and get back to the Board. Infinger discussed procedures, and the Board's need to follow them more carefully, starting with a revision of the Check Lists. There also was a discussion on zoning, and the consensus was that an ad hoc committee should be established to research zoning and whether it does or does not make sense for Chatham. Britton recommended that a mix of people - long-time residents, as well a newer people in town - serve on the committee for a balanced perspective. Logan reported that Chuck Kyle had expressed an interest in getting involved. Britton also suggested that North Country Council may have some zoning models or materials that would be helpful.

Under other business, Britton reported that she's going back to work part-time for Town Attorney Tom Dewhurst and asked if her continuing to serve on the Board would be a conflict of interest. The consensus of the Board was that this would not be a conflict of interest, that she could always recuse herself from a Board vote if there is a Town legal matter involving the Planning Board.

There being no further business, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

October 12, 2004

Present: S. Logan, J. Britton, A. Lounsbury, W. McAllister, P. Straw
Absent: B. Farnham, W. Infinger

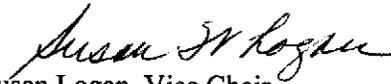
Vice-chair Logan called the meeting to order at 7:00 p.m. Britton made a motion to accept the September minutes as written; Straw seconded. The minutes were approved.

There were no communications. Under Old Business, Logan reported that the meeting with Susan Slack, attorney for the NH Municipal Association has been scheduled for 2:00 p.m. on October 22 at the Town

Office. Under Other Business, the upcoming OEP conference was discussed. Logan said she might be able to attend, but couldn't commit at this time. There was some discussion on the Master Plan update, and the revisions that need to be made to the Subdivision Regulations. Logan will bring a recommended action plan to the November meeting. Straw asked McAllister about Devine's driveway and whether it conformed to the regulations; McAllister said that it did.

Britton made the motion to adjourn the meeting; Straw seconded. There being no new business, the meeting adjourned at 7:10 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

November 9, 2004

Present: S. Logan, J. Britton, A. Lounsbury, B. Farnham,
Absent: W. Infinger, W. McAllister, P. Straw

Vice-chair Logan called the meeting to order at 7:00 p.m. Lounsbury made a motion to accept the October minutes as written; Farnham seconded. The minutes were approved.

Logan reported that she had received Chairman Infinger's letter of resignation in which he cited business travel reasons for being unable to continue his commitment to the Planning Board. Members present expressed disappointment at his resignation and wanted the record to show that Infinger has been a valued member of the Board; his contributions have been appreciated, and his leadership will be missed.

There was a discussion of the 12/8/04 meeting with NHMA attorney Susan Slack, during which the following action items were discussed: (1) simplify the Waiver Section of the Subdivision Regulations; (2) review the Back Lot Exception (reference RSA 674:41); (3) review road standards and specifications, which are dictated by the Town, not by the State; (4) recommendation to use professional planner if needed; (5) research the option of Chatham being a one zone town: residential/agricultural with permitted uses detail and special exceptions noted, perhaps using Effingham as a model.

For next meeting, Logan is to get a copy of Effingham's Master Plan and look into getting a hard copy of the Master Plan model that the PB currently has on disk. Logan and Britton to get together prior to next meeting to discuss breakdown of section assignments.

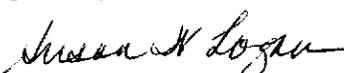
Subdivision regulations need to be revised. Objective: to get revisions done by February 28.

There was discussion of better coordination between the PB, the Road Agent, and/or the Selectmen so that every house being built would be inspected to insure compliance with driveway construction, drainage, culverts, etc. Lounsbury recommended that the PB should notify the Road Agent of every subdivision approved: "The Planning Board has approved the following subdivision, and you should be notified by the applicant...."

There was discussion on filling the Planning Board Chairman's seat. Current members to think of people in the community who might be interested and make recommendations to the Selectmen.

Britton moved, Farnham seconded, to adjourn the meeting. There being no new business, the meeting adjourned at 7:55 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

DECEMBER 2004 MEETING CANCELED

January 11, 2005

Present: J. Britton, B. Farnham, S. Logan, A. Lounsbury, W. McAllister, P. Straw

Absent: none

Acting Chair Logan called the meeting to order at 7:00 p.m. Britton moved to accept the November minutes as written; Farnham seconded (December's meeting was canceled due to illness). Lounsbury stated that the minutes needed to be revised to indicate that Farnham had seconded the motion to accept the October minutes. With this correction, the minutes were approved.

McAllister asked to discuss the November meeting with Susan Slack and specifically asked for clarification on what the "simplified waiver" would be. Logan stated that Slack had indicated that our regulations don't have to go into such detail, that Slack referenced a new municipal law RSA. Logan to clarify with Slack and bring suggestions to the working session for revising the subdivisions. There was considerable discussion on the Back Lot Exception and whether or not to leave it in the revised regulations. The general consensus of the Board was that, for the few cases where it might apply, granting a waiver might be the best approach. Before any of the revisions are adopted, there will be a Public Hearing, during which opinions on this matter can be voiced and considered. Ultimately, the authority rests with the Planning Board for the decision.

Jayne reported that husband Jim (former Town Road Agent) has reviewed the road standards, and the only suggestion that he had would be for culverts to be 18" instead of 15". There was discussion on driveway vs. road standards, and all agreed that Appendix B-II-H referencing the recommendations of the Town Road Agent would cover the culvert requirements for road construction.

Lounsbury stated that the main point that he took away from the meeting with Slack was that the Planning Board alone determines road requirements, not the State. Straw agreed, further stating that there are many variables that the Board can take into consideration when considering road standards. Logan said that she also took from that meeting the fact that granting waivers is very much within the purview of the Board, that they are considered the Town's safety net as long as the spirit and intent of the regulations aren't compromised by granting them. Straw said that Slacks' comments about our 3-acre minimum possibly being open to challenge without zoning was a surprise to him, and said that a zoning ordinance is now his personal priority. McAllister asked for a clarification on this, and Logan stated that, since Subdivision Regulations were first adopted in the 1970s, the 3 acre/300 foot has been the requirement, that the Planning Board had been advised over the years that, if challenged legally, they would have to be able to justify those requirements. The Master Plan can help with that justification, but it is her understanding, too, that without zoning, the Town could be challenged on this. McAllister asked for an opinion from Town Counsel Dewhurst, which Britton will request.

Under Communications, Logan reported that a letter had been received from North Country Council, requesting input into the WMNF management plan. The deadline for response had passed; the letter was filed. A completed Housing Needs Assessment booklet had also been received from NCC, which may have helpful data for inclusion in the revised Master Plan. Logan also reported that she has received several solicitations from private professional planning organizations, offering assistance with any Town projects that may come up. Slack had also recommended a professional planner. This information is kept on file.

Under Unfinished Business, revisions to the Subdivision Regulations and updating the Master Plan were discussed. Logan will bring a list of proposed subdivision revisions, based on input from the Office of Energy & Planning and the NHMA, to the next meeting, along with a draft Town Attitudinal Survey for the Master Plan revisions. The Master Plan needs to be updated before much work can be done on a proposed Land Use (Zoning) Ordinance, as the Master Plan is the basis for that document. Logan will ask Effingham for information on how the concept of zoning was first proposed in that town and any sample communications relative to their process. She will also ask the Planning Board if they would be willing to meet with us to share their experiences and offer suggestions.

Under Other Business, Logan reported that having a web site for the Town of Chatham could be quite affordable, with web site hosting costs in the \$9-12/month range. General Town information could be posted, along with meeting notices, minutes, regulations, applications, etc. Straw suggested that nothing go online until the regulations are updated and in place. The Board is interested in pursuing this, but agreed with Straw that more work needs to be done before the regulations are posted. Logan will bring more specific information as to projected costs to the next meeting.

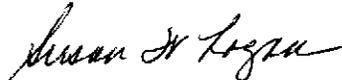
Britton reported that she had talked with several people about possibly joining the Planning Board; they weren't interested. Straw knows a new resident in South Chatham who may be a good candidate. McAllister said that Bill Briggs had someone in mind, too. Any new members must be appointed by the Selectmen. Logan made the suggestion

that anyone who is recommended and interested should be invited to attend the February meeting, which is going to be a working meeting for major upcoming projects. This would be a good opportunity for a prospective member to learn more about the duties of the Planning Board and determine if he/she were willing to make the necessary time commitment.

Logan stated that Board officers need to be addressed. The By-Laws require both a Chair and a Vice-Chair, who also serves as the Secretary. One person can't fill both seats. Straw nominated Lounsbury to be the new Chair of the Planning Board; Logan seconded. By unanimous vote, Lounsbury was elected Chair.

There being no further business, Lounsbury made the motion to adjourn; Farnham seconded. The meeting adjourned at 8:45 p.m.

Respectfully submitted,



Susan W. Logan, Vice Chair

February 15, 2005

Present: J. Britton, S. Logan, A. Lounsbury, W. McAllister, P. Straw

Absent: B. Farnham

Guest: Mike McAllister

Chairman Lounsbury called the meeting to order at 7:00 p.m. Britton moved, Straw seconded, that the January minutes be approved as read. So moved.

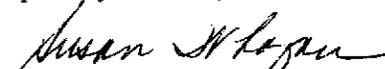
Under Communications, Logan reported that she had received an email from Erin (Hennessey) True regarding meeting with the PB for a Preliminary Consultation. Her parents would like to subdivide their land in Center Chatham to provide a lot for the Trues. They will be on the March agenda. Logan also reported that the Office of Energy & Planning's Annual Conference is being held in Manchester on April 9. She will include registration information with the minutes' mailing so that members can decide by the next meeting if they are able to attend.

Logan distributed a list of suggested revisions to the current subdivision regulations, based on reviews that have taken place over the last few months. The two major changes to the current subdivision regulations would be a simplification of the Waiver section and the elimination of the Back Lot Exception. Though there is not clear consensus on the part of the PB concerning the latter, its elimination will be included on the agenda for the Public Hearing in order to get public input on the matter.

Logan also distributed the final draft copy of the Master Plan's Town Attitudinal Survey, which will be included this year in the Town's Taxable Property Inventory mailing. A few suggestions were made to the survey, and Logan will update it. Straw volunteered to get 300 copies to the Town Clerk by next week.

Under Other Business, a Public Hearing was scheduled for March 15, and, because of Town Meeting on March 8, that will also be the date of the next monthly PB meeting. Logan to post the notices. Straw made the motion to adjourn, and Britton seconded. There being no further business, the meeting adjourned at 8:20 p.m.

Respectfully submitted,



Susan W. Logan, Vice Chair

March 22, 2005

Present: J. Britton, B. Farnham, S. Logan, A. Lounsbury, W. McAllister,
Absent: P. Straw

Chairman Lounsbury called to order at 7:00 p.m. the Public Hearing to discuss proposed revisions to the Subdivision Regulations. There were 11 members of the public present. Each of the revisions was read and public input requested. The two sections that generated the most discussion were *Waivers* and the *Back Lot Exception*. Several members of the public, including Ron and Bill Briggs, were against changing the Waiver language and expressed concern that the proposed new language is too general and too open for interpretation. All members of the public who were present wanted to keep the Back Lot Exception section in the regulations, and not eliminate it as proposed. Britton moved, Logan seconded that the Public Hearing be adjourned. So moved.

The regular monthly meeting was called to order at 8:15 p.m. by Chairman Lounsbury. New Planning Board member Mike McAllister was sworn in by Selectman McAllister. Erin (Hennessey) & Ryan True appeared with Donna & John Hennessey for a Preliminary Consultation regarding a proposed minor subdivision of the Hennesseys' land in Center Chatham. Because there are two lots of record for the Hennesseys' land, and because the exact acreage is not known, they were advised that the first step in the subdivision process was to have the land surveyed so that the Planning Board could better advise them of their options.

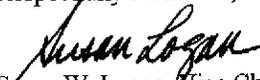
Britton moved, Lounsbury seconded, that the February minutes be approved as read. So moved.

Under Communications, Logan reported that she and Britton were registering for the Office of Energy & Planning's Annual Conference being held in Manchester on April 9. If anyone else wants to attend, please notify Logan by 3/18/05.

Under Unfinished Business, Logan moved, Britton seconded, that the vote on the proposed revisions be tabled to the April meeting, pending further discussion by the Planning Board. So moved. Logan reported that the Town Attitudinal Surveys were starting to come back in and distributed very preliminary results.

Britton made the motion to adjourn, and Logan seconded. There being no further business, the meeting adjourned at 9:20 p.m.

Respectfully submitted,


Susan W. Logan, Vice Chair

April 12, 2005

Present: J. Britton, B. Farnham, S. Logan, A. Lounsbury, M. McAllister, W. McAllister, P. Straw
Absent: None

Ron Briggs also attended the meeting as a member of the public.

Chairman Lounsbury called to order at 7:00 p.m. Britton moved, Lounsbury seconded, that the March minutes be approved as read. So moved.

Logan and Straw were sworn into office by Town Clerk Trish Pitman. There followed the annual Election of Officers. Straw nominated Lounsbury as Chair and Logan as Vice Chair for the ensuing year. Britton seconded. There being no other nominations, nominations ceased. Lounsbury and Logan were elected by unanimous vote.

Under Communications, Logan reported that the rate of return on the Town Attitudinal surveys is excellent so far, about 45% of those distributed, and that more are coming in every day. She reported that she has had several communications regarding the survey, and most have been fine, but she stated that she had one very nasty call and expressed distress at the lack of civility and respect that is permeating even Chatham.

Under Unfinished Business, revisions to the Subdivision Regulations were discussed. Considerable time was spent debating the Waiver section. Logan suggested leaving the section As Is for now and see how it works in real situations. The PB can always revise it again in the future. Logan made the motion, Farnham seconded, to keep the section as written. So moved by unanimous vote. The Back Lot Exception was discussed next. Britton reported that she had been

been contacting other towns, using the NH Municipal Association's town directory, and of the towns contacted to date - about 1/8 of the list - very few had even heard of a Back Lot Exception, much less had a provision for one in their regulations. Considerable discussion ensued, with W. McAllister stating that members of the Public, at last month's Public Hearing, had voiced overwhelming support for leaving the provision in our regulations. Logan stated that getting public input is important and extremely valuable, but the PB typically has spent more time than the public researching and studying the regulations with input from various planning professionals. In the end, the PB has to decide what's best for the town; that's the mission that we're charged with. Lounsbury asked if members were ready for a vote. Farnham moved, Logan seconded, to keep the Back Lot Exception in the regulations. The vote carried, 5-2.

There was a general discussion on zoning, and Briggs suggested that the PB's first question should be, "What do you want zoning to do for the town?" He said that there's good zoning and there's bad zoning. When the zoning ordinance is done well, it works well, but that long-range planning is critical.

Logan reported that the Book of Minutes for the Planning Board is up to date through February of this year, except for January 2000-April 2002, where the minutes are missing.

Logan and Britton will submit reports from the OEP Conference to include with minutes for next meeting.

Farnham made the motion to adjourn, and Straw seconded. There being no further business, the meeting adjourned at 9:10 p.m.

Respectfully submitted,


Susan W. Logan, Vice Chair

March 22, 2005

Present: J. Britton, B. Farnham, S. Logan, A. Lounsbury, W. McAllister,
Absent: P. Straw

Chairman Lounsbury called to order at 7:00 p.m. the Public Hearing to discuss proposed revisions to the Subdivision Regulations. There were 11 members of the public present. Each of the revisions was read and public input requested. The two sections that generated the most discussion were *Waivers* and the *Back Lot Exception*. Several members of the public, including Ron and Bill Briggs, were against changing the Waiver language and expressed concern that the proposed new language is too general and too open for interpretation. All members of the public who were present wanted to keep the Back Lot Exception section in the regulations, and not eliminate it as proposed. Britton moved, Logan seconded that the Public Hearing be adjourned. So moved.

The regular monthly meeting was called to order at 8:15 p.m. by Chairman Lounsbury. New Planning Board member Mike McAllister was sworn in by Selectman McAllister. Erin (Hennessey) & Ryan True appeared with Donna & John Hennessey for a Preliminary Consultation regarding a proposed minor subdivision of the Hennesseys' land in Center Chatham. Because there are two lots of record for the Hennesseys' land, and because the exact acreage is not known, they were advised that the first step in the subdivision process was to have the land surveyed so that the Planning Board could better advise them of their options.

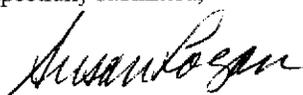
Britton moved, Lounsbury seconded, that the February minutes be approved as read. So moved.

Under Communications, Logan reported that she and Britton were registering for the Office of Energy & Planning's Annual Conference being held in Manchester on April 9. If anyone else wants to attend, please notify Logan by 3/18/05.

Under Unfinished Business, Logan moved, Britton seconded, that the vote on the proposed revisions be tabled to the April meeting, pending further discussion by the Planning Board. So moved. Logan reported that the Town Attitudinal Surveys were starting to come back in and distributed very preliminary results.

Britton made the motion to adjourn, and Logan seconded. There being no further business, the meeting adjourned at 9:20 p.m.

Respectfully submitted,



April 12, 2005

Present: J. Britton, B. Farnham, S. Logan, A. Lounsbury, M. McAllister, W. McAllister, P. Straw

Absent: None

Ron Briggs also attended the meeting as a member of the public.

Chairman Lounsbury called to order at 7:00 p.m. Britton moved, Lounsbury seconded, that the March minutes be approved as read. So moved.

Logan and Straw were sworn into office by Town Clerk Trish Pitman. There followed the annual Election of Officers. Straw nominated Lounsbury as Chair and Logan as Vice Chair for the ensuing year. Britton seconded. There being no other nominations, nominations ceased. Lounsbury and Logan were elected by unanimous vote.

Under Communications, Logan reported that the rate of return on the Town Attitudinal surveys is excellent so far, about 45% of those distributed, and that more are coming in every day. She reported that she has had several communications regarding the survey, and most have been fine, but she stated that she had one very nasty call and expressed distress at the lack of civility and respect that is permeating even Chatham.

Under Unfinished Business, revisions to the Subdivision Regulations were discussed. Considerable time was spent debating the Waiver section. Logan suggested leaving the section As Is for now and see how it works in real situations. The PB can always revise it again in the future. Logan made the motion, Farnham seconded, to keep the section as written. So moved by unanimous vote. The Back Lot Exception was discussed next. Britton reported that she had been contacting other towns, using the NH Municipal Association's town directory, and of the towns contacted to date - about 1/8 of the list - very few had even heard of a Back Lot Exception, much less had a provision for one in their regulations. Considerable discussion ensued, with W. McAllister stating that members of the Public, at last month's Public Hearing, had voiced overwhelming support for leaving the provision in our regulations. Logan stated that getting public input is important and extremely valuable, but the PB typically has spent more time than the public researching and studying the regulations with input from various planning professionals. In the end, the PB has to decide what's best for the town; that's the mission that we're charged with. Lounsbury asked if members were ready for a vote. Farnham moved, Logan seconded, to keep the Back Lot Exception in the regulations. The vote carried, 5-2. Logan moved, Farnham seconded, to adopt the newly-revised regulations in their entirety. So moved.

There was a general discussion on zoning, and Briggs suggested that the PB's first question should be, "What do you want zoning to do for the town?" He said that there's good zoning and there's bad zoning. When the zoning ordinance is done well, it works well, but that long-range planning is critical.

Logan reported that the Book of Minutes for the Planning Board is up to date through February of this year, except for January 2000-April 2002, where the minutes are missing.

Logan and Britton will submit reports from the OEP Conference to include with minutes for next meeting.*

Farnham made the motion to adjourn, and Straw seconded. There being no further business, the meeting adjourned at 9:10 p.m.

Respectfully submitted,


Susan W. Logan, Vice Chair

May 10, 2005

Present: J. Britton, A. Lounsbury, M. McAllister, W. McAllister,
Absent: B. Farnham, S. Logan, P. Straw

Chairman Lounsbury called to order at 7:00 p.m. Britton moved, M. McAllister seconded, that the April minutes be approved as read. So moved.

Under Communications, Lounsbury reported that a letter had been received from North Country Council, looking for someone to represent Chatham at its meetings. He will discuss with Logan and Straw.

M. McAllister made the motion to adjourn, and Britton seconded. There being no further business, the meeting adjourned at 7:15 p.m.

Respectfully submitted,

Alan Lounsbury, Chairman

June 14, 2005

Present: J. Britton, S. Logan, A. Lounsbury, M. McAllister, W. McAllister
Absent: B. Farnham, P. Straw

Ron Briggs also attended the meeting as a member of the public.

Chairman Lounsbury called to order at 7:05 p.m. Lounsbury moved, M. McAllister seconded, that the May minutes be approved as read. So moved. Logan reported that there had been an omission in the April minutes. Her hand-written meeting notes included the vote to adopt the revised regulations; the draft minutes had omitted that vote. She will correct the April minutes.

Lounsbury made the motion, Logan seconded, to change the order of agenda items to accommodate R. Briggs, who appeared before the PB to discuss a corrective deed on behalf of Bea Head who subdivided 2.8 acres in South Chatham over 20 years ago, prior to the current requirements being in place. Land now owned by Scott Leach is actually part of land owned by Connelly. Briggs requested an exemption from Planning Board review. Head's intention it to make the existing lots conform with the Town's tax maps and the intention of the original subdivision. A problem with the lot boundaries was discovered when timber was being harvested on Connelly's land. Britton suggested that the PB get notification from all parties indicating that they approve of the plan to create a 1.22 acre lot, the original acreage, for Leach. There was discussion on how this is simply a corrective action to bring everything in a previously-approved subdivision into conformance. W. McAllister made the motion that the requested exemption from Planning Board review be approved. Logan seconded. So moved.

Under Communications, Logan reported that she had received the annual request from NH OEP for updated information and will send them the new set of Subdivision Regulations. She also reported that the Fall Planning & Zoning Conference will be held in Lincoln, NH, on November 5th.

Under Unfinished Business, Logan distributed a preliminary and incomplete summary of the Town Attitudinal Survey. Of the 279 that had been distributed, 156 (or 56%) have been returned, which statistically is very high. There was considerable discussion on the results to date, and the Board was in agreement that several public forums should be scheduled this year, to better advise residents and property owners about the PB's responsibilities and what the Town can and cannot control as far as directing development. Logan to complete the survey analysis for the July meeting.

Under Other Business, there was discussion on the Wardwell subdivision from August of last year, and W. McAllister asked if the plat had ever been recorded. Logan doesn't recall getting the Mylar from Ralph Jackson of Bergeron Associates, and there are no signed copies in the file. The subdivision was approved, but Logan to follow-up with Jackson as to whether or not he ever gave us the final plat to record. Logan and Britton discussed briefly the summary handouts from the April OEP Conference, and there was discussion on looking at other towns' regulations. Logan asked about the Steven and Andrea Brown property, stating that she doesn't remember it being subdivided and yet the land is being cleared and a driveway has recently gone in.

W. McAllister reported that Brown had spoken to the Selectmen about a wetlands' permit. He is taking 2 acres out of

current use to build a log cabin on spec. He has 16 acres in all, with 3 acres already out of current use (his residence). Logan questioned why there had been no discussions with the PB and whether or not the Town had received a copy of the Driveway Permit. There appears to be no permit on file.

W. McAllister reported that Jason Eastman has been appointed as a PB alternate. Logan said that she would like to encourage him to attend all meetings so that he will be informed in the event he has to attend a meeting as a voting member. Logan to include him in all PB correspondence

Britton made the motion to adjourn, and M. McAllister seconded. There being no further business, the meeting adjourned at 8:20 p.m.

Respectfully submitted,



Susan W. Logan, Vice Chair

July 12, 2005

Present: J. Britton, B. Farnham, S. Logan, A. Lounsbury, M. McAllister, Alternate Jason Eastman
Absent: W. McAllister, P. Straw

Chairman Lounsbury called the meeting to order at 7:05 p.m. Roll call was taken. Stephen Brown was accompanied by Bob Tafuto of Ammanosuc Surveying in North Conway to discuss his application for a minor subdivision of Map #6, Lot 5, on Route 113B in North Chatham. The original lot is 15.25 acres. After subdivision, the Brown residence will sit on 10.23, and a second lot will be 5.02 acres. The PB went through the Minor Subdivision Checklist, with Tafuto answering questions, and all items were in accordance to the regulations except for the 5' topo requirements. A waiver request was submitted as part of the application, so that requirement was tabled for the time being. Farnham asked about the driveway culvert (18" required in our in our revised regulations, vs. the 12" culvert required in Brown's driveway permit). There was considerable discussion on the driveway and on whether or not it is grandfathered and how it should be reviewed - under the old or new regulations, since the permit is dated December of 2004 and work on the driveway began prior to the current regulations being adopted.

Logan stated that Brown had gone about the subdivision process completely backwards. There had been no preliminary discussions with the Planning Board concerning his plans; the first official notice that the PB had was when Tafuto called last month on Brown's behalf to request a copy of the Subdivision Regulations, a Subdivision Application, and a Waiver Request. Before even applying for subdivision, Brown has cleared the lot, built a driveway, and put out a "For Sale" sign. This is in violation of Section X:D of the Chatham Subdivision Regulations which states that "no subdivision of land shall be made...sold or offered for sale until a final plat...has been approved by the Planning Board." Furthermore, any transfer or sale of property prior to an approved plat being filed would be in violation of RSA 676:16 and subject Brown to a \$1,000 penalty.

Brown stated that he had discussed his plans with the Selectmen. Logan stated that W. McAllister, the Selectmen's rep to the PB, had reported at the PB's June meeting that Brown had met with the Selectmen at its June meeting to discuss his wetlands' permit. In the course of that discussion, he had given a quick overview of his plans, but this was not applicable to starting the subdivision process. Brown stated that he thought he was doing everything correctly. Logan stated that he surely was aware that the town has a Planning Board and Subdivision Regulations and questioned why he hadn't familiarized himself with the regulations prior to doing all the work on his lot. Brown repeated that he had talked with the Selectmen, and "they knew what he was doing." Britton stated that the Selectmen have nothing to do with subdivisions and that it's the responsibility of the property owner to know about the proper process. Brown repeated that he had talked with the Selectmen. Logan stated that the application discussion should proceed, that the discussion was going in circles and getting too far into what should be held during the Public Hearing.

Because the driveway permit was issued in December of 2004, the PB decided that, at that point, it could be considered a second egress for an existing lot. The State granted the driveway permit, and Brown had installed a 16" culvert, larger than what the State required. Lounsbury stated that, since the State had jurisdiction over and had approved the driveway, the town should defer to the State at this point, and called for a vote. Logan made the motion to accept the application as complete, with the exception of the topo requirements, Britton seconded. The motion carried by unanimous vote.

Logan read the request to waive the requirement for 5' contours on the entire lot. The application read, "5' contours are shown on the new parcel to be subdivided. The parent parcel has more than 10 times the required soil types and meets all other Town of Chatham requirements." Britton made the motion to waive the topo requirements, Lounsbury seconded. The motion carried by unanimous vote.

At 7:45 p.m. Chairman Lounsbury called the Public Hearing to order. Logan reported that public notices had been posted, and that all abutters had been notified. Abutters present were Rod Brooks, Olin Lusky, and Charlene Fecteau, representing abutter Steve Young. Chair Lounsbury asked if the abutters had questions or comments. Fecteau asked to see the plat, because Young had been concerned that another lot was going in right behind his house. That isn't the case. She then stated that since Brown did his site work, Young can no longer drink his water, and expressed concern that the stumps, pole wood, and debris that were placed directly behind his house might be the cause. She distributed photos of brush and stump piles taken from behind his house. Brown stated that he intended to saw up the brush pile for firewood. Tafuto pointed to the excavation site and its distance from the back of Young's property, and said that it's unlikely that the site work had anything to do with Young's water problems.

Lusky asked about an abutters' notice that he had received about the pond, and Tafuto said this was part of his wetlands' permitting process. M. McAllister stated that, until recently, he had owned the lot directly across the road from where the proposed pond is going in. He questioned whether a wetlands' permit would be granted. Lusky asked if the driveway could be used as access to back lots. Not unless it is upgraded to Town road standards, and there's further subdivision, which is unlikely, given the relatively small remaining parcel.

Abutter Rod Brooks stated that he bought a piece of land from Brown in 1988, and ended up having to pay thousands of dollars for the removal of a stump dump and buried equipment before putting in his foundation. He asked Brown if he's buried stumps on his lot. Brown stated, yes, he's buried stumps, but in back of his house, not on the new lot. Brown also said that when he puts in the pond, the stumps from the excavation will be buried in back of his house. Lusky asked if Brown had a permit for cutting timber on the lot. Brown said he was just cutting trees on his own land, that it wasn't a house lot at that point, and he wasn't selling the timber, so he didn't need a permit. Brown repeated that he had met with the Selectmen to explain what he was doing and answered questions concerning the wetland's permit. Logan stated that the wetlands' permit has nothing to do with subdivision and that she was going to look at the Selectmen's meeting minutes prior to the next meeting to determine what had been discussed. In any case, it is Brown's responsibility, as the property owner, to know what process the town requires for subdivision.

Lounsbury asked if there were any more questions, and if Planning Board wants to schedule a site visit. Britton said that she would be more comfortable proceeding after a site visit, not only to benefit the newer members of the PB, but also because several questions had been raised regarding the site that needed to be investigated. Through a show of hands, all members present agreed that a site visit is warranted. The Planning Board will meet in the driveway of the new lot on Brown's property at 6:30 p.m., on August 9th, immediately before the August meeting.

Lounsbury asked if there were any other issues that needed to be addressed. He told Brown that the "For Sale" sign must come down, that it's against our regulations to offer for sale a lot that hasn't been legally subdivided. Logan made the motion to table the discussion and to continue to Public Hearing on Brown's application until the next meeting, after the site visit to the property in question. Britton seconded. The motion carried by unanimous vote. Logan moved, Britton seconded, to close the Public Hearing. The motion carried by unanimous vote, and the Hearing adjourned at 8:15 pm.

Britton moved, Lounsbury seconded, to accept the June minutes as written. So moved.

Communications: Other than the Brown application, there were no communications to report.

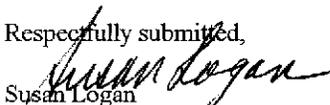
Unfinished Business: Logan distributed copies of the results of the Town Attitudinal Surveys. Discussion was postponed until all members had a chance to review.

Other Business: Pete Straw has missed the last three meetings, and no one has heard from him. Chairman Lounsbury to call and touch bases. Britton is going to check with the State on the stump dump questions that were raised during the Brown Public Hearing.

Britton made the motion to adjourn, and Lounsbury seconded. There being no further business to discuss, the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Susan Logan



August, 9, 2005

Present: S. Logan, A. Lounsbury, M. McAllister, W. McAllister, P. Straw, Alternate Jason Eastman
Absent: J. Britton, B. Farnham,

Members met at 6:30 at the Brown property to walk the new lot and to ask questions prior to the regularly-scheduled meeting.

Chair Lounsbury called the meeting to order at 7:00 p.m. Logan moved to reconvene the Public Hearing that was continued from last month; Straw seconded. So moved. The Public Hearing was called to order at 7:05 p.m.

The plat was reviewed. Lounsbury asked for clarification on the pond location. Brown stated that it is on the new 5-acre parcel. Material that is excavated from the pond are will be placed in back of his house. W. McAllister stated that one of the concerns raised at the last meeting was of lumber/brush piles in back of Steve Young's house that may be affecting his well. McAllister stated that the brush piles are well beyond 75' of Young's well, so they aren't the problem.

Logan reported that Trish McAllister had told her that Brown did not need an intent to cut permit because the trees were on his own land, and he had taken less than what would have required a permit. If wood is for his own use, no tax is charged. If wood was sold, then a tax is charged. Lounsbury reported that Britton had checked with DES, and it is legal to have a stump dump on one's own land.

Straw moved to approve the subdivision application; M. McAllister seconded. The vote was unanimous, and the plats were signed. Straw made the motion, seconded by Lounsbury, to end the Public Hearing. So moved. The Public Hearing adjourned at 7:20 p.m.

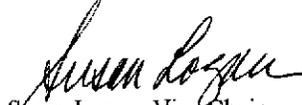
There was a discussion on 6.2 acres with 450' that is being listed for sale in South Chatham as "may be subdividable." Lounsbury asked Logan to send informational letter to the listing Real Estate agent, advising him/her of our regulations. Straw to provide Logan with a copy of the ad.

Unfinished Business: Logan suggested that the Planning Board invite representatives of the Upper Saco Valley Land Trust and Society for the Protection of NH Forests to meet with PB to discuss ways in which to address the "open space" issues raised by the Town Attitudinal Survey as they relate to updating the Master Plan. She will contact to see if a meeting can be scheduled for September or October, probably October.

Other Business: none

Logan made the motion to adjourn; W. McAllister seconded. So moved. There being no further business, the meeting adjourned at 8:00 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

September 13, 2005

Present: A. Lounsbury, J. Britton, B. Farnham, M. McAllister, W. McAllister, P. Straw, Alternate Jason Eastman
Absent: S. Logan

Chair Lounsbury called the meeting to order at 7:00 p.m., and roll call was taken

A discussion of the August minutes clarified two items: (1) re: the discussion on the Brown property, W. McAllister stated an "intent to cut" is needed. If wood is for Brown's own use, no tax is charged. If would was to be sold, then a tax is charged. (2) Lounsbury reported that no note was sent to the real estate agency re: the 6.2 acre lot in South Chatham, because subdivision was not mentioned in its ad.

Farnham moved, Straw seconded that the August minutes be approved. So moved.

Communications: none
Unfinished Business: none
Other Business: none

Farnham made the motion to adjourn; Straw seconded. So moved. There being no further business, the meeting adjourned at 7:30 p.m.

Respectfully submitted,

Alan Lounsbury, Chair

October 11, 2005

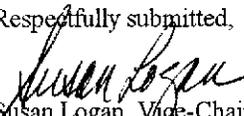
Present: A. Lounsbury, J. Britton, S. Logan, M. McAllister, W. McAllister, P. Straw, Alternate Jason Eastman
 Absent: B. Farnham

Chair Lounsbury called the meeting to order at 7:00 p.m., and roll call was taken. The minutes from the August meeting were read. Straw moved, Britton seconded, that they be accepted as read. So moved.

Communications: none
Unfinished Business: There was a short discussion on the Master Plan. Further work is on hold for the next month or so because of schedules.
Other Business: Logan reminded members of the upcoming OEP conference in Lincoln (Nov 5). She is planning to attend. Program and registration information are available on OEP's web site.

Britton made the motion to adjourn; Lounsbury seconded. So moved. There being no further business, the meeting adjourned at 7:30 p.m.

Respectfully submitted,


 Susan Logan, Vice-Chair

November 8, 2005

Present: J. Britton, B. Farnham, A. Lounsbury, W. McAllister, P. Straw, and Alternate J. Eastman
 Absent: S. Logan, M. McAllister

Chair Lounsbury called the meeting to order at 7:00 p.m. Roll call was taken. Britton moved, Straw seconded, that the October minutes be approved as written. So moved.

Communications: None
New Business: None
Unfinished Business: The Master Plan will be discussed at the December meeting.

Britton moved to adjourn; Farnham seconded. There being no further business, the meeting adjourned at 7:06 p.m.

Respectfully Submitted,

Alan Lounsbury, Chair

December 13, 2005

Present: J. Britton, S. Logan, A. Lounsbury, W. McAllister
Absent: B. Farnham, M. McAllister, P. Straw, and Alternate J. Eastman

Chair Lounsbury called the meeting to order at 7:00 p.m. Roll call was taken. Britton moved, McAllister seconded, that the November minutes be approved as written. So moved.

Communications: Membership renewal information from the North Country Council was reviewed. Logan stated that she felt that the NCC had not been of much assistance for the past several years, especially with the subdivision regulations revision process. NHOEP and the NH Municipal Association had provided much more input and feedback. Lounsbury moved, Britton seconded, to not renew membership for the coming year, but to review membership annually and leave options option for rejoining in the future.

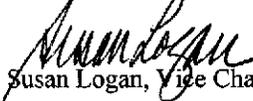
New Business: None

Unfinished Business: Discussion on the Master Plan and what the priorities should be: revising current document as soon as possible, or getting residents more involved in the process. Discussion on outreach/information meetings to review results of the Town Attitudinal Survey and solicit input before going further. More discussion needed.

Other Business: Britton questioned the 1.5 acres for sale in South Chatham and whether the deed or the Town's tax records takes priority. The parcel is part of two lots of record according to the deed, but there's only one tax card for both lots in the Town records. If both lots are indicated on the recorded deed, and they are, then the 1.5 acres is grandfathered, and two lots already exist. Subdivision regulations don't apply. There was some discussion on fairness issues concerning tax bills, but that falls under the Selectmen's purview.

Logan made the motion to adjourn, Britton seconded. There being no further business, the meeting adjourned at 8:15 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

January 10, 2006

Present: A. Lounsbury, J. Britton, B. Farnham, S. Logan, M. McAllister, W. McAllister, P. Straw
Absent: Alternate Jason Eastman

Chair Lounsbury called the meeting to order at 7:00 p.m., and roll call was taken

Lounsbury made a motion to accept the December minutes as written, Straw seconded. So moved.

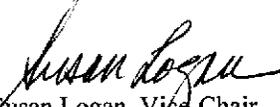
Communications: Logan reported that she had received an incomplete application on a proposed minor subdivision in South Chatham. Logan moved, McAllister seconded to move the agenda to accommodate a subdivision applicant. Edgar Allen from Thaddeus Thorne Surveys appeared before the Board for a preliminary conceptual consultation. He is representing Robert White, who proposes to subdivide 8.67 acres between Upper Kimball Pond and Little Chatham Road. Two single house lots would be created, one with 3.22 acres (with total road frontage 500') and a second lot with 5.45 acres (742' of road frontage). Because of Shoreline Protection District requirements, there would be a 250' setback. Subdivision approval is also required from the State, even though lot is over 5 acres. Some of the 3.22-acre lot is steeply sloped, and some footage was deducted because of that. There will be a deeded right-of-way on the 5.45-acre lot to access the smaller lot. Allen told the Board that he intended to submit a completed application in time to be on the agenda for the February meeting. Logan advised him that she would need to receive the application no later than January 30th.

Unfinished Business: There was further discussion on the Master Plan and the Town Survey results. Logan to email members with summary results for review prior to being printed to include with the Town Reports.

Other Business: Logan reported that she had had a conversation with the Upper Saco Valley Land Trust, and they would be interested in participating in an informational meeting in Chatham to advise landowners of their options re: protecting open space in town. There was some discussion on how many people such options would actually apply to. There was also a discussion on current use and the impact that different land conservation options might have on tax revenue.

Farnham made the motion to adjourn; Straw seconded. So moved. There being no further business, the meeting adjourned at 8.20 p.m.

Respectfully submitted,


Susan Logan, Vice-Chair

February 14, 2006

Present: A. Lounsbury, S. Logan, W. McAllister, Alternate Jason Eastman
Absent: J. Britton, B. Farnham, M. McAllister, P. Straw

Chair Lounsbury called the meeting to order at 7:00 p.m., and roll call was taken

Lounsbury requested that a wording clarification be made to the January minutes, then moved to accept the minutes as revised. Eastman seconded. So moved.

Communications: Logan reported that she had received a complete application on the proposed White minor subdivision in South Chatham, though not in time to be reviewed at this meeting. Notices will be posted. The application will be reviewed at March's meeting, with a Public Hearing immediately following on the subdivision.

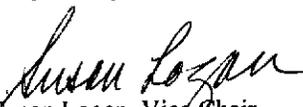
Unfinished Business: There was further discussion on the Master Plan. The Town Survey results will be included with this year's inventory forms so that everyone in town receives them. Logan will contact the Town of Eaton to request a copy of its Master Plan. Eaton is very similar in size and makeup as Chatham. Logan suggested setting a deadline of the June meeting for updating the "guts" of the Master Plan, with a Master Plan committee working in between meetings. Instead of including all the census information, the revised plan would simply provide website links for that information.

Other Business: Because Town Meeting falls on the second Tuesday in March, the decision was made to move the Planning Board meeting back one week, to be held on March 21st.

Logan reported that registration is now open for the NH Office of Energy & Planning's Spring Conference. She will either mail info with minutes or bring to next meeting.

Logan made the motion to adjourn; Eastman seconded. So moved. There being no further business, the meeting adjourned at 7:25 p.m.

Respectfully submitted,


Susan Logan, Vice-Chair

March 21, 2006

Present: J. Britton, A. Lounsbury, S. Logan, W. McAllister, M. McAllister, P. Straw, Alternate Jason Eastman
Absent: B. Farnham

Chair Lounsbury called the meeting to order at 7:00 p.m., and roll call was taken.

The Public Hearing on the White subdivision application was called to order; the applicants were represented by Edgar Allen of T. Thorne Surveys, Inc. Logan reported that cards had been received back from all the abutters' certified mailings. She pointed to the Public Notice that had been printed in the March 1 issue of the Conway Daily Sun and had copies of the Abutters' Notices on display, too. The application and the plat were reviewed. Lounsbury asked for public input. Bill Briggs was the only member of the public present and had no questions. Logan asked if and when the lines had been set, and Allen confirmed that they had been set in January. Logan read from Appendix A of the regulations: *Prior to final approval, all corners shall be noted on the plat and the date on which they were set.* Benchmarks also need to be put on the plat. Britton made the motion to accept the application as complete with the condition that the plat be revised to show the benchmarks and the dates on which the lines had been set; W. McAllister seconded. By unanimous vote, the application was accepted.

Lounsbury opened the hearing on the White subdivision, and the requirements for a minor subdivision were reviewed. There was a short discussion on the 250' setback required by the State. Allen explained that the setback requirement doesn't mean that the applicant can't build within the 250', but the State would have to be notified so that any development can be monitored under the Shoreline Protection provisions. Chairman Lounsbury asked for any public input. There being none, Lounsbury moved to approve the subdivision subject to the plat revision condition requested previously. Straw seconded the motion. Allen said that he was moving to Florida soon and would have the revised plat to the Town Office by the end of next week. The subdivision was approved by unanimous vote. Lounsbury reminded Logan that the Road Agent needs to be copied on the minutes concerning any subdivisions so that driveway standards as outlined in Appendix B, page 4 of the regulations (Driveway Standards) can be monitored. The Public Hearing was closed at 7:40 p.m..

Because several of the Planning Board members had not received minutes from February, Logan read them for the record. Lounsbury moved to accept the minutes from February's meeting as read; Straw seconded. So moved.

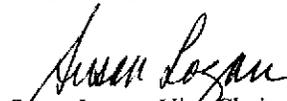
Communications: Logan reported that she had contacted the Chair of Eaton's Planning Board, and distributed copies of an email in which he detailed that town's plans for revising its Master Plan.

Unfinished Business: There was further discussion on the Master Plan. Logan reported that the Town Attitudinal Survey results had gone out with the Town's inventory mailing, and that she had received several requests for the complete survey results, as well as numerous comments on how interesting the survey results were. There was discussion on how to move forward, and the decision was made to turn next month's regular meeting into a work session for the Master Plan.

Logan reminded Board members of the NHOEP Planning & Zoning Conference scheduled for April 1st in Manchester. Lounsbury also distributed information on a "Preserving Community Character" conference scheduled for April 11 & 12.

Logan made the motion to adjourn; Britton seconded. So moved. There being no further business, the meeting adjourned at 7:50 p.m.

Respectfully submitted,


Susan Logan, Vice Chair

April 11, 2006

Present: S. Logan, W. McAllister, M. McAllister, P. Straw, Alternate Jason Eastman
 Absent: A. Lounsbury, J. Britton, B. Farnham
 Also present: Selectman Herbert Eastman and Trish Pitman, Town Clerk

Acting Chair Logan called the meeting to order at 7:00 p.m., and roll call was taken. Logan explained that due to unexpected circumstances, the posted monthly agenda could not be followed. She proceeded to read for the record the following letter from Town Clerk Patrician Pitman on behalf of the selectmen, received on Saturday, April 8th:

Re: *Appointments to Planning Board*
 To: *Chatham Planning Board Members*

This is to inform the Board that on April 4, 2006, the Board of Selectmen voted to reappoint Michael McAllister to his position. They chose to appoint Jason Eastman as the other member of the board. Alan Lounsbury was not reappointed.

Logan stated that she was shocked and appalled to have been so notified by the Selectmen of this unprecedented action. She reported that Alan Lounsbury had received an equally terse notification, only with a note that the Selectmen "do appreciate and thank you for your hard work." She stated that not only was Lounsbury the Chair of the Planning Board, but he was an active, committed member of the Board, who never missed a meeting, attended planning conferences on his own time, and volunteered countless hours on behalf of the Town. She said that she was embarrassed that he was treated this way, with absolutely no warning that he wouldn't be reappointed when he was willing to continue to serve. She said that, in a small town, in any community, you don't treat people this way. She said that she had asked all three Selectmen to attend tonight's meeting so that a public explanation could be offered as to their decision to not reappoint Lounsbury to the Planning Board.

Bill Perry couldn't make the meeting. W. McAllister and H. Eastman said that an individual had appeared before the Selectmen at their April 4th to urge that Lounsbury not be reappointed. Cited were complaints as to the direction of the Planning Board and its "agenda," that it was "against the locals." They said that other complaints had been received in recent years about members of the Planning Board, that there is a feeling in town that the Planning Board should stick to overseeing subdivisions and stay out of larger issues, such as land use ordinances/zoning. H. Eastman said that, in the end, he had just done what he thought was right. Pitman said that a lengthy discussion ensued at the Selectmen's meeting, and they finally voted, 2-0, with McAllister abstaining, to not reappoint Lounsbury. Eastman then nominated his son Jason for the vacant seat on the Board.

Logan asked why, if the Selectmen, had received complaints against the Planning Board, there had been no communication between the Selectmen and the Planning Board regarding these complaints. Why, she asked, didn't the Selectmen simply postpone their decision on appointments until they had talked with the Planning Board about their concerns? To treat Lounsbury, a dedicated volunteer, in this manner was unconscionable. She asked if the Selectmen have a list of people eager to serve the Town. No, though one person has volunteered to be an alternate. Pete Straw reiterated all of Logan's concerns, and added that he could/would no longer serve a Town who's elected officials have acted in this manner. He, too, expressed outrage at how Lounsbury was treated. Logan said that her faith and trust in the Town's elected officials was severely shaken, that she had drafted a letter of resignation, but that Lounsbury had urged her to remain on the Board, concerned that the Town could be at risk because of lack of overall experience on the Board. Logan expressed concern that the Selectmen were so easily swayed by the recommendation of the one individual who appeared before them on April 4th, and asked if serving on the Planning Board is turning into a popularity contest. As for the Planning Board's perceived "agenda," debate is healthy and necessary in public service, she said, and the "Planning" in Planning Board infers some sort of forward thinking. She reminded the Selectmen that the Planning Board has made no recommendations for anything other than holding public discussions on possible planning directions for Chatham based on input from the Town Attitudinal Survey. Straw agreed that more actual planning in Chatham is critical, citing his experiences in other states. Logan asked the Selectmen if they would firmly commit to communicating any future concerns and complaints directly to the Planning Board before taking any action concerning the Planning Board. The two Selectmen present agreed. Straw reiterated his intent to resign and said that a letter would be forthcoming.

Michael McAllister and Jason Eastman were sworn in by Town Clerk Pitman. Straw moved to accept the March minutes as written; M. McAllister seconded. So moved.

Communications: Logan reported that the revised plat for the White subdivision in South Chatham had not been received. She had a call from Mr. White, who said that the plat should be ready this week. Logan also reported that she had received a couple more calls and notes from people who appreciated the work that went into the Town Attitudinal Survey and thought the results were very interesting.

Unfinished Business: Discussions on the Master Plan were tabled until the next meeting.

J. Eastman made the motion to adjourn; Straw seconded. There being no further business, the meeting was adjourned at 8:40 p.m.

Submitted,

Submitted,
S. Logan, Vice Chair/Acting Chair

Present: S. Logan, W. McAllister, M. McAllister, Jason Eastman, R. Farnham, & J. Britton

Vise Chair Logan called the meeting to order at 7pm and roll call was taken.

Nominations were taken for vacant officers. Britton nominated S. Logan for Chairman with a second from Farnham. *Passed unanimously.* Logan nominated J. Britton for Vice Chair and Secretary with a second from Farnham. *Passed unanimously.*

Logan asked W. McAllister if the town had joined the North Country Council. He said no, but the Selectmen were discussing joining. We are still receiving materials from them. Logan has the new material and will go over them and report next month.

A revised Platt was received from Dave Douglass for the White sub division. The originals have been sent to Carroll County Registry of Deeds. The sub division is legal as of March 21, 2006.

New handbooks prepared by the NH Office of Energy and Planning were received. Logan made copies for each board member. She felt that they would be a valuable tool for all and especially the newer members.

Logan asked W. McAllister (the selectmen's representative) if the Selectmen had a direction they wanted to see the Planning Board take for the future. He said he thinks the Planning Board should "stick to sub divisions" but that he was only one of the Selectmen and he would discuss the situation with the other Select. Logan said that the State of NH assumes that in towns without Zoning Boards, the Planning Board has a more active role in overseeing "Land Use Regulations." The Master Plan requirement from the State didn't exist 35 years ago and Planning Boards are now responsible for more that just over-seeing subdivisions.

Each board member was asked to give his/her idea about the future direction of the Planning Board. All agreed that they did not want to proceed without some definite direction in

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Each board member was asked to give his/her idea about the future direction of the Planning Board. All agreed that they did not want to proceed without some definite direction in mind. It was agreed to look into having public meetings sometime in the summer. The town’s survey suggests the majority of property owners would like to have more information about the town’s future direction.

It was decided to put off work on the Master Plan Update until after the public meetings.

R. Farnham motioned and S. Logan second to adjourn at 7.55pm *Passed*

Submitted,


M. Jayne Britton/Secretary

May 9, 2006

Present: S. Logan, W. McAllister, M. McAllister, Jason Eastman, R. Farnham, & J. Britton

Vice Chair Logan called the meeting to order at 7pm and roll call was taken.

Nominations were taken for vacant officers. Britton nominated S. Logan for Chairman with a second from Farnham. *Passed unanimously*. Logan nominated J. Britton for Vice Chair and Secretary with a second from Farnham. *Passed unanimously*.

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June 13, 2006

Present: S. Logan, W. McAllister, M. McAllister, J. Eastman & J. Britton

Chair Logan called the meeting to order at 7pm and roll call was taken.

Motion was made by Eastman & second by M. McAllister to approve the minutes from the April 11, 2006 meeting. *Passed unanimously.* Motion was made by Logan & second by M. McAllister to approve the minutes from the May 9, 2006 meeting. *Passed unanimously.*

Logan reported that she had received a call from a real estate agent, inquiring about a sub division for the Antell property. The property is not large enough for a sub division and there is no know hardship cause.

A letter was received from Ron Briggs offering his help to the Board at no cost. Logan will send a letter of thanks and let him know the Board will contact him as needed.

The Selectmen had a list of residents interested in serving on the Board. The Board gave their input and the Selectmen will make a decision at their next meeting.

It was decided to have an informational meeting, open to the tax payers of the town of Chatham, in August. The meeting will act as a follow up to the Town's attitudinal survey and address Land Use Regulations. Dave Douglass offered to be on a panel. The Office on Energy and Planning does not have anyone to attend but the North Country Council will send someone. Logan made a suggestion that Chatham rejoin the North Country Council. W. McAllister will bring it up at the next Selectmen's meeting. A date of August 8th was tentatively scheduled. The Selectmen will be asked to attend along with town's council Tom Dewhurst.

Logan made a motion that a mailing be sent out for the informational meeting. M. McAllister seconded. *Passed unanimously.*

Logan passed out a copy of the Master Plan Review, she also had a copy of the OEP's new rulings that affect the RSA's. Logan also had a copy of the Master Plan from the town of Warren. It was done with the help of the North Country Council.

At 7:45 W. McAllister motions & M. McAllister second to adjourn. *Passed.*

Submitted,



M. Jayne Britton/Secretary

July 11, 2006

Present: S. Logan, W. McAllister, M. McAllister, J. Eastman, S. Leach, Linda Cooper, R. Farnham & J. Britton

Chair Logan called the meeting to order at 7pm and roll call was taken.

Scott Leach was appointed by the Selectman to be a member of the Planning Board. Linda Cooper was appointed as an alternate. Both were sworn in by Town Clerk, Patricia Pitman.

Logan asked for a change to last month's minutes. She wanted a clarification on the informational meeting scheduled for August. No vote taken.

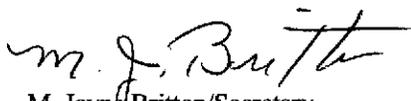
The informational meeting is scheduled for August 8, 2006. The North Country Council will be sending Stacy Doll as a representative. She will be asked to give an overview on zoning and options for towns the size of Chatham. Logan, as Chair of the Planning Board, will act as moderator of the informational meeting. There will be a question and answer time for the attendees. Tom Dewhurst will be asked if he can come too. The new board members were updated on the meeting and the need for it.

The Planning Board meeting for next month will take place immediately after the informational meeting.

No new communications were received.

At 7:34 W. McAllister motioned and Farnham seconded to adjourn. *Passed.*

Submitted,


M. Jayne Britton/Secretary

August 8, 2006

Present: S. Logan, W. McAllister, M. McAllister, J. Eastman, S. Leach, L. Cooper, L. Shackley & J. Britton

Chair Logan called the meeting to order at 7:35pm

W. McAllister motioned that the June 13, 2006 minutes, as amended, be approved. Second by S. Leach. *Passed*

J. Eastman motions that the July 11, 2006 minutes be approved. Second by S. Leach. *Passed*

Letter sent to Ron Briggs thanking him for his offer of help to the Planning Board.

No new communications were received.

At 7:48pm J. Eastman motioned and S. Leach seconded to adjourn. *Passed*

Submitted,


M. Jayne Britton/Secretary

September 16, 2006

Present: S. Leach, S. Logan, M. McAllister, L. Shackley

Absent: J. Britton, L. Cooper, J. Eastman, B. Farnham, W. McAllister

Logan called the meeting to order at 7:00pm. McAllister moved that the August minutes be accepted as written. Leach seconded. Passed.

Logan reported that the Fall Planning & Zoning Conference, sponsored by the NH Office of Energy & Planning, will be held in Waterville Valley on Saturday, October 28th. She will bring registration materials to the October meeting for anyone interested in attending. She said that the program was very similar to past years and that it would be an excellent learning opportunity, especially for new members to the Board.

Under Unfinished Business, there was discussion on rescheduling the informational meeting concerning the pros and cons of zoning in Chatham. The consensus was that it would be better to hold the meeting in the spring of summer. Not late fall or winter. Perhaps we can include some information the Town Reports again this year.

There being no further business, Leach moved, and McAllister seconded, that the meeting be adjourn at 7:06pm. *Passed.*

Respectfully submitted,

Susan Logan/Chair

October 10, 2006

Present: W. McAllister, M. McAllister, S. Leach, L. Cooper, L. Shackley & J. Britton

Absent: J. Eastman, R. Farnham & S. Logan.

Guests: Richard & Laretta Eastman, Russell & Rachael Eastman.

Vice Chair Britton called the meeting to order at 7:00pm

Town Clerk, P. McAllister swore in new member Leon Shackley

Leach motioned that the September, 2006 minutes, be approved. Second by Shackley. *Passed*

R & L Eastman are exploring the possibility of a subdivision of their land on 113 to create a new lot of 3 acres. This lot would be combined with a lot in Stow to create a new lot of approximately 7/+ acres. The acreage in Chatham would only have a 50ft frontage on 113 but more than enough frontage in the Stow portion. Britton said she would contact the State and North Country Council for advice on this subdivision and its legality

No new communications were received.

At 8pm M. McAllister motioned and Cooper seconded to adjourn. *Passed*

Submitted,



M. Jayne Britton/Secretary

November 14, 2006

Present: M. McAllister, S. Leach, L. Cooper, L. Shackley, S. Logan, R. Farnham & J. Britton
 Absent: J. Eastman.

Guests: Richard & Laretta Eastman, Russell & Rachael Eastman, Rob ^{ROSE} Roy, Liz & Scott LaJoie.

Chair Logan called the meeting to order at 7:00pm

M. McAllister motioned that the minutes of the October 10, 2006, be approved. Second by Leach. *Passed*

Communications: None

Other Business:

Rob Rose is looking into subdividing his land off Robbins Hill. 61 acres total, which Rose is proposing to slice in half, East to West. He is asking if he would need to have the whole lot surveyed or just the area that is going to be subdivided. Logan will check the situations for next months meeting.

Eastman Subdivision: Research was done with the North Country Council and the NH Office of Energy and Planning concerning the subdivision of land in two different municipalities (or states). All information to date appears to allow such a subdivision. A problem surfaced with the proposed division. R & L Eastman had already conveyed the Stow property and the Town of Chatham would not be able to give them the rights to subdivided land they no longer own. R & R Eastman was informed that the land would have to be transferred back to R & L Eastman and only then could the parcel as a whole be considered for subdivision.

At 8pm M. McAllister motioned and Cooper seconded to adjourn. *Passed*

Submitted,


 M. Jayne Britton/Secretary

December 12, 2006

Present: J. Eastman, R. Farnham, S. Leach, S. Logan, W. McAllister, L. Shackley
 Absent: J. Britton, M. McAllister, L. Cooper

Chair Logan called the meeting to order at 7:00, and roll call was taken.

Re: The November minutes, there was a typo (Rob Rose, not Rob Roy). Logan requested that the specifics of the Rose subdivision be added to the minutes: "61 acres total, which Rose is proposing to slice in half, East to West". Farnham motioned "*that the minutes be approved as amended*", Leach seconded. *So moved.*

There was a discussion regarding the day of the monthly meetings. Britton has a conflict with Tuesday and several Board members indicated that Thursday would be a better night for them. It was decided that the next meeting would be held on January 11th at 7:00p.m. Logan said that the By-Laws will have to be revised to include the new day. There was also a discussion on changing the meeting time to 6:00p.m. To be continued when full Board is present.

As a follow-up to November's preliminary consultation with Rose, Logan reported that a survey on his entire lot may or may not be necessary. According to the NH Office of Energy & Planning, the more specific the language is in the deed, and/or the more obvious the boundaries are on the existing plat, the more latitude the Planning Board has to waive this requirement. In Rose's case, the land borders the State Line, the WMNF, Langdon Brook, and the Eastman land, referred to as "Pound Lot." The consensus of the Board was that the boundaries are clearly defined and that a survey on the total lot would not be required. W. McAllister stated that the land can't be subdivided until a road is built, because he can't subdivide on a Class VI road. There was a discussion regarding Class VI roads and the Town's responsibilities. The preliminary feeling of the Board was that the road would have to be built to Town standards, or there would have to be something in the deed, indicating that the Town's responsibilities for emergency services, etc., are limited. McAllister gave Rose a copy of the agreement that the Town has for building on Class VI roads, which absolves the Town from responsibility for rescue, fire trucks, etc. Rose requested that Logan email him the Subdivision Application and Waiver form.

Communications:

Logan reported that she had received a call from Joe and Sandy Dorner, asking about the possibility of subdividing their land. In addition to the land that the house sits on, they have a small field of about an acre that's in Maine. They were advised that their total acreage does not meet our minimum lot size requirement.

Unfinished Business:

Logan reported that no meeting with the Stow Planning Board had taken place yet to discuss the proposed Eastman subdivision.

Eastman moved to adjourn, with Farnham seconding. There being no further business, the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Susan Logan, Chair.